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सं. 14]

नई दिल्ली, मार्च 28—अप्रैल 3, 2004, शनिवार/चैत्र 8—चैत्र 14, 1926

No. 14]

NEW DELHI, MARCH 28—APRIL 3, 2004, SATURDAY/CHAITRA 8—CHAITRA 14, 1926

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

मंत्रिमंडल सचिवालय

नई दिल्ली, 23 मार्च, 2004

का. आ. 793.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित अधिनियम में सभी अपराधों को अपराध के रूप में विनिर्दिष्ट करता है जिन्हें दि.वि.पु. स्था. द्वारा अन्वेषण किया जाना है उनके नाम हैं—

- (अ) 1. भारतीय स्टाम्प अधिनियम, 1899
2. बम्बई स्टाम्प अधिनियम, 1958
3. आन्ध्र प्रदेश कन्ट्रोल ऑफ ओरगेनाइज्ड क्राइम अधिनियम, 2001
4. महाराष्ट्र कन्ट्रोल ऑफ ओरगेनाइज्ड क्राइम अधिनियम, 1999

एवं

(ब) संसक्त प्रयत्नों, दुष्प्रेरणों और षडयंत्रों तथा उसी संव्यवहार के अनुक्रम में किए गये एक या अधिक उपर्युक्त अपराध एवं अन्य कोई अपराध या उसी संव्यवहार के अनुक्रम में किए गए अपराध अथवा उन्हीं तथ्यों से उद्भूत अपराध।

[संख्या-228/105/2003-डी.एस.पी.ई. (i)]

शुभा ठाकुर, अवर सचिव

CABINET SECRETARIAT

New Delhi, the 23rd March, 2004

S. O. 793.—In exercise of the powers conferred by Section 3 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government hereby specifies all the officers in the following Acts as offences which are to be investigated by DSPE namely :—

- (a) 1. Indian Stamp Act, 1899
2. Bombay Stamp Act, 1958
3. Andhra Pradesh Control of Organised Crime Act, 2001
4. Maharashtra Control of Organised Crime Act, 1999

and

(b) Attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/105/2003-DSPE (i)]

SHUBHA THAKUR, Under Secy

नई दिल्ली, 23 मार्च, 2004

अनुलग्नक-सी

का.आ. 794.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए माननीय भारत का सर्वोच्च न्यायालय का आदेश दिनांक 15-3-2004 जो रिट याचिका (सिविल) सं. 522/2003 में पारित हुआ के द्वारा बिहार, गुजरात, आन्ध्र प्रदेश, मध्य प्रदेश, कर्नाटक, महाराष्ट्र, पश्चिम बंगाल, तमिलनाडु, केरल एवं उत्तर प्रदेश राज्यों के अपराध संबंधित धारा के अधीन एवं मामला जो कि संलग्नक ए, बी, सी, डी, ई, एफ, जी, एच, आई एवं जे क्रमशः में उल्लिखित हैं एवं संसक्त प्रयत्नों दुष्प्रेरणों और षड्यन्त्रों या उसी संव्यवहार से अनुक्रम में किये गये या अनुलग्नक में उल्लिखित अपराधों में से एक या अधिक अपराध एवं अन्य कोई अपराध या अपराधों या उसी संव्यवहार के अनुक्रम में किए गए अथवा तथ्यों से उद्भूत किसी अन्य अपराध अथवा अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण राज्यों पर करती है।

[संख्या - 228/105/2003-डी.एस.पी.ई.(ii)]

शुभा ठाकुर, अवर सचिव

अनुलग्नक-ए

बिहार

क्रम	अपराध संख्या एवं थाना सं.	विधि की धाराएं
1.	थाना पटना कोतवाली, बिहार का अपराध संख्या 505/2003 दिनांक 09-11-2003	भा.द.संहि. की धारा 255, 256, 257, 258, 259, 260, 467, 468, 505/2003 दिनांक 09-11-2003 469, 471, 489-A, 489-C, 489-D, 489-E, 414, 420, एवं सस्त्र अधिनियम की धारा 25(1) (b)(a), 26, 35 एवं स्ट्याम्प एक्ट की धारा 12/13 के अधीन।

अनुलग्नक-बी

गुजरात

क्रम	अपराध संख्या एवं थाना सं.	विधि की धाराएं
1.	थाना एश्वालाइनस, सूरत सिटी का अपराध संख्या 130/2003	भा.द.संहि. की धारा 258, 259, 260 के अधीन।

आन्ध्र प्रदेश

क्रम	अपराध संख्या एवं थाना सं.	विधि की धाराएं
1.	थाना बेगम बाजार, हैदराबाद का अपराध सं. 116/99	भा.द.संहि. की धारा 258, 260, 468, 471 और 420 के अधीन।
2.	थाना कस्बा-4, एल एवं ओ, विजाग का अपराध सं. 82/2000	भा.द.संहि. की धारा 255, 258, 259, 260, 420 सपठित 120-B के अधीन।
3.	थाना एस आई टी का अपराध सं. 1/2003	भा.द.संहि. की धारा 120-B, 255, 258, 259, 260, 263-A, 420, 471, 472, 474, 34 सपठित भारतीय स्ट्याम्प अधिनियम, 1899 की धारा 64(c), 69(b) Sec. 3(i)(ii), 3(2), 3(4), 3(5) एवं एपी कन्ट्रोल ओरगेनाइज्ड क्राईम अधिनियम, 2001 की धारा 4 के अधीन।

अनुलग्नक-डी

मध्य प्रदेश

क्रम	अपराध संख्या एवं थाना सं.	विधि की धाराएं
1.	तुकोगंज, इन्दौर का अपराध सं. 577/2000	भा.द.संहि. की धारा 255, 258, 420 के अधीन।
2.	थाना कोतवाली जिला धर का अपराध सं. 667/2000	भा.द.संहि. की धारा 255, 258, 420 एवं स्ट्याम्प एक्ट की धारा 12 के अधीन।

अनुलग्नक-ई

कर्नाटक

क्रम	अपराध संख्या एवं थाना सं.	विधि की धाराएं
1.	थाना सिटी मार्केट, बंगलौर सिटी का अपराध सं. 109/97	भा.द.संहि. की धारा 255, 258, 471, 472, 418 और 420 के अधीन।
2.	थाना आर टी नगर, बंगलौर सिटी का अपराध सं. 176/99	भा.द.संहि. की धारा 464, 468, 471, 472, 420, r/w 120B के अधीन।

1	2	3
3. थाना उप्पारपेट, बेंगलोर सीटी का अपराध सं. 545/2000 दिनांक 19-8-2000	भा. द. संहि. की धारा 255, 256, 257, 258, 259, 260, 465, 467, 468, 471, 472, 473, 474, 475, 420 r/w 120-B के अधीन।	
4. थाना माडीवाला, बेंगलोर सीटी का अपराध सं. 1100/2002 दि. 6-10-2002	भा. द. संहि. की धारा 255, 256, 257, 258, 259, 260, 465, 468, 420 सपठित धारा 120-बी के अधीन।	
5. थाना विधानगर, हुबली सीटी का अपराध सं. 204/2002 दि. 18-10-2002	भा. द. संहि. की धारा 255, 256, 257, 258, 259, 260, 419, 420, 489-B r/w 120-B के अधीन।	
6. थाना पीन्या, बेंगलोर सीटी का अपराध सं. 44/2003 दि. 21-1-2003	भा. द. संहि. की धारा 464, 468, 471, 420, 120-B के अधीन।	
7. थाना सीटी मार्केट, बेंगलोर सीटी का अपराध सं. 17/1998 दि. 24-1-98	भा. द. संहि. की धारा 255, 256, 259, 463, 471, 420 के अधीन।	
8. थाना यशवन्त पुर, बेंगलोर सीटी का अपराध सं. 332/1999 दि. 9-6-99	भा. द. संहि. की धारा 256, 257, 258, 259, 260, 261, 465, 467, 468, 472, 474, 473, 420 r/w 120-B के अधीन।	
9. थाना उल्सूर गेट, बेंगलोर सीटी का अपराध सं. 532/2000 दिनांक 16-5-2000	भा. द. संहि. की धारा 258, 259, के अधीन।	
10. थाना उल्सूर गेट, बेंगलोर सीटी का अपराध सं. 421/2001 दिनांक 23-7-2001	भा. द. संहि. की धारा 255, 269, के अधीन।	

अनुलग्नक-एफ

महाराष्ट्र

क्रम सं.	अपराध संख्या एवं थाना	विधि की धाराएं
1	2	3
1.	बंद गार्डन थाना का अपराध सं. 135/02	भा. द. संहि. की धारा 120-B 216, 218, 221, 295, 256, 257, 258, 259, 260, 263 (A) 403, 419, 420, 467, 468, 471, 472, 473, 474, 475, 476, 109, 34 सपठित धारा 63 (A) बम्बई

1	2	3
		स्टाम्प अधिनियम एवं मर्कोका अधिनियम की धारा 3, 4, 24 एवं भ्रष्टाचार निरोधक अधिनियम की धारा 7, 12 और 13 (2) के अधीन।
2. डी०सी०बी० सी०आई०डी०- इकाई-5 का अपराध सं. 73/02 दिनांक 17-07-02		भा. द. संहि. की धारा 120 B, 255, 258, 259, 260, 465, 468, 471, 34 के अधीन।
3. एम आर ए मार्ग थाना का अपराध सं. 355/95 दिनांक 3-6-1995		भा. द. संहि. की धारा 120-B, 466, 468, 471, 34 सपठित मुम्बई स्टाम्प अधिनियम की धारा 63 के अधीन।
4. डी०सी०बी० सी०आई०डी०-ईकाई-5 का अपराध सं. 6/2003		भा. द. संहि. की धारा 120-B, 255, 258, 259, 465, 467, 468, 420 सपठित मुम्बई स्टाम्प अधिनियम की धारा 63 के अधीन।
5. डी०सी०बी० सी०आई०डी०-ईकाई-5 का अपराध सं. 148/2002		भा. द. संहि. की धारा 255, 258, 259, 466, 467, 468, 471, 420, 34 सपठित मुम्बई स्टाम्प अधिनियम की धारा 63 के अधीन।
6. डी०सी०बी० सी०आई०डी०-ईकाई-5 का अपराध सं. 143/2002		भा. द. संहि. की धारा 120-B r/w, 255, 258, 259, 260, 466, 467, 468, 471, 420 सपठित मुम्बई स्टाम्प अधिनियम की धारा 63 के अधीन।
7. डी०सी०बी० सी०आई०डी०-ईकाई-5 का अपराध सं. 78/98		भा. द. संहि. की धारा 465, 466, 467, 468, 471, 472, 473, 474, 411, 420, 34 सपठित मुम्बई स्टाम्प आपूर्ति एवं विपणन 1934 का नियम 17 और 40 सपठित मुम्बई स्टाम्प 1958 के अधिनियम 62, 63 के अधीन।
8. मुलुन्ड थाना के अपराध संख्या 125/2001 दिनांक 16-3-2001		भा. द. संहि. की धारा 258, 259, 471, 472, 34, सपठित स्टाम्प अधिनियम की धारा 63 के अधीन।
9. डी०सी०बी० सी०आई०डी०-ईकाई-5 का अपराध सं. 155/2002		भा. द. संहि. की धारा 120-B, 258, 468, 471, 420 सपठित स्टाम्प अधिनियम की धारा 63 के अधीन।

1	2	3
10. डी०सी०बी० सी०आई०डी०-ईकाई-5 का अपराध सं. 154/2002	भा. द. संहि. की धारा 120-B, 255, 258, 468, 471, 472, 473, 420, 34 सपठित स्टाम्प अधिनियम की धारा 63 के अधीन।	
11. सामान्य शाखा का अपराध संख्या 48/92 दिनांक 26-8-1992	भा. द. संहि. की धारा 261, 262, 409, 420, 465, 467, 471 के अधीन।	
12. दादर थाना का अपराध संख्या 225/1995 दिनांक 12-5-1995	भा. द. संहि. की धारा 261, 262, 263, 420, 34 के अधीन।	
13. ओसीवाडा थाना का अपराध संख्या 109/99 दिनांक 23-2-1999	भा. द. संहि. की धारा 258, 259, 260 के अधीन।	
14. डी०सी०बी० सी०आई०डी०-एयर पोर्ट यूनिट का अपराध सं. 51/2001 दिनांक 7-7-2001	भा. द. संहि. की धारा 259, 465, 467, 468, 471, 474, 420, 34 के अधीन।	
15. एम आर ए मार्ग थाना का अपराध सं. 239/2002 दिनांक 11-7-2002	भा. द. संहि. की धारा 255, 256, 258, 259 एवं स्टाम्प अधिनियम की धारा 63 के अधीन।	
16. वाकोला थाना का अपराध सं. 571/2001 दिनांक 27-12-2001	भा. द. संहि. की धारा 258, 259, के अधीन।	
17. निर्मल नगर थाना का अपराध सं. 307/99 दिनांक 14-12-1999	भा. द. संहि. की धारा 255, 256, 257, 258, 259, 260, 263, (A) (1) (a) (b) (c), 201, 379, 465, 467, 468, 471, 420, 120-B 34, सपठित भारतीय डाकघर अधिनियम 1898 की धारा 16 सपठित धारा 60 के अधीन।	
18. डी०सी०बी० सी०आई०डी० का अपराध सं. 68/2002 दिनांक 29-08-2001	भा. द. संहि. की धारा 302, 120-B, 144, 148, 149, 201 के अधीन।	
19. मीरा रोड थाना का अपराध सं. 274/1999 दिनांक 22-08-1999	भा. द. संहि. की धारा 255, 257, 258, 259, 260, 420, 467 के अधीन।	

1	2	3
20. थाने नगर थाना का अपराध सं. 131/2001	भा. द. संहि. की धारा 255, 257, 258, 260, 261, 263, 263 (A) 120-B, 420, 471, 468 और 63 (A) (B) के अधीन।	
21. सतपुर थाना का अपराध सं. 123/2000	भा. द. संहि. की धारा 120-बी, 225, 256, 257, 258, 259, 120, 160, 467, 468, 472 के अधीन।	
22. सहर थाना का अपराध सं. 788/95 दिनांक 05-08-1995	भा. द. संहि. की धारा 255, 258, 259, 260, 420, 34 के अधीन।	
23. थाना अम्बद, नासिक सीटी का अपराध सं. 379/2003	भा. द. संहि. की धारा 261, 262, 263, (A) (B), 489(A) (C), 420 r/w 34 के अधीन।	

अनुलग्नक-जी

पश्चिम बंगाल

क्रम	अपराध संख्या एवं थाना	विधि की धाराएं
सं.		
1.	थाना राजारहट, जिला उत्तरी 24 परगना का अपराध सं. 194 दिनांक 15-6-2002	भा. द. संहि. की धारा 255, 256, 257, 258, 259, 260, 261, 262, 263, 467, 471, 474, 477, 489A, 489B, 489C, 489D, 120B, 121, 121A, 420 एवं शस्त्र अधिनियम की धारा 25/27 के अधीन।

अनुलग्नक-एच

तमिलनाडू

क्रम	अपराध संख्या एवं थाना	विधि की धाराएं
सं.		
1.	सी०बी० सी०आई०डी० मुख्यालय चैन्नई तमिलनाडू का अपराध सं. 2/2002	भा. द. संहि. की धारा 465, 467, 420, 474, 475, 258 और 259 के अधीन।
2.	सी०बी० सी०आई०डी० मुख्यालय चैन्नई तमिलनाडू का अपराध सं. 7/2002	भा. द. संहि. की धारा 465, 467, 420, 474, 475, 255, 258 और 259 के अधीन।

अनुलग्नक-आई

ANNEXURE—A

केरल

BIHAR

क्रम सं.	अपराध संख्या एवं थाना	विधि की धाराएं
1.	थाना थालासेरी का अपराध सं. 223/CR/03/CC395/03	भा.द.संहि. की धारा 489A, 489 B, 489 C, 489 D, 255, 257, 120 B के अधीन।

Sl. No.	Crime No. & Police Station	Sections of Law
1.	Crime No. 505/2003 dated 9-11-2003 of PS Patna Kotwali, Bihar	U/s 255, 256, 257, 258, 259, 260, 467, 468, 469, 471, 489-A, 489-C, 489-D, 489-E, 414, 420, IPC and Sections 25(1)(b)(a), 26, 35 Arms Act and 12/13 Stamp Act.

अनुलग्नक—जे

उत्तर प्रदेश

ANNEXURE—B

क्रम सं.	अपराध संख्या एवं थाना	विधि की धाराएं
1.	थाना हजरतगंज, लखनऊ का अपराध सं. 778/2003 प्र०सू०रि० सं. 687 दिनांक 19-12-2003	भा.द.संहि. की धारा 420, 406 409, एवं स्टॉप एक्ट की धारा, 64C एवं 69 के अधीन।
2.	थाना वजीरगंज, लखनऊ का अपराध सं. 483/2003 प्र०सू०रि० सं. 285 दिनांक 23-11-2003	भा.द.संहि. की धारा 420, 257, 258 के अधीन।
3.	थाना फिलखाना, कानपुर सीटी का अपराध सं. 248/2003	भा.द.संहि. की धारा 176, 255, 258, 259, 420, 467, 468, 471, 409 एवं स्टॉप एक्ट की धारा 64सी एवं 69 के अधीन।

GUJARAT

Sl. No.	Crime No. & Police Station	Section of Law
1.	Crime No. 130/2003 of Athwalines PS, Surat City.	U/s 258, 259, 260 IPC

ANNEXURE—C

ANDHRA PRADESH

Sl. No.	Crime No. & Police Station	Section of Law
1.	Crime No. 116/99 of PS Begum Bazar, Hyderabad	U/s 258, 260, 468, 471 and 420 IPC
2.	Crime No. 82/2000 of IV Town, L& O, PS Vizag.	U/s. 255, 258, 259, 260, 420 r/w 120-B IPC
3.	Crime No. 1/2003 of AP Control of Organised Crime Act, 2001 of SIT P.S.	U/s. 120-B, 255, 258, 259, 260, 263-A, 420, 471, 472, 474, 34 IPC r/w Sec. 64(c), 69(b), of Indian Stamp Act, 1899-Sec. 3(i) (ii), 3(2), 3(4), 3(5) and 4 of AP Control of Organised Crime Act, 2001.

ANNEXURE—D

MADHYA PRADESH

Sl. No.	Crime No. & Police Station	Sections of Law
1.	Crime No. 577/2000 of PS Tukoganj, Indore	U/s 255, 258, 420 IPC
2.	Crime No. 667/2000 of PS Kotwali, Distt, Dhar	U/s. 255, 258, 420 IPC and Sec. 12 of Stamp Act

New Delhi, the 23rd March, 2004

S. O. 794.— In exercise of the powers conferred by Sub-section (1) of Section 5 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government as per the order dated 15-3-2004 of the Hon'ble Supreme Court of India passed in the Writ Petition (Civil) No. 522/2003, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of States of Bihar, Gujarat, Andhra Pradesh, Madhya Pradesh, Karnataka, Maharashtra, West Bengal, Tamil Nadu, Kerala and Uttar Pradesh for investigation of the offences under relevant Sections and cases mentioned in the enclosed Annexures A, B, C, D, E, F, G, H, I and J respectively and attempts, abetments and conspiracies in relation to or connection with one or more of offences mentioned in the enclosed Annexures and any other offence or offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/105/2003-DSPE(ii)]

SHUBHA THAKUR, Under Secy.

ANNEXURE—E

KARNATAKA

Sl. No.	Crime No. & Police Station	Sections of Law
1.	Crime No. 109/97 dt. 10-4-97 of PS City Market, Bangalore City	u/s 255, 258, 471, 472, 418 and 420 IPC
2.	Crime No. 176/99 dt. 21-5-99 of PS RT Nagar, Bangalore City	u/s 464, 468, 471, 472, 420 r/w 120-B IPC
3.	Crime No. 545/2000 dt. 19-8-2000 of PS Upparpet, Bangalore City	u/s 255, 256, 257, 258, 259, 260, 465, 467, 468, 471, 472, 473, 474, 475, 420 r/w 120-B IPC
4.	Crime No. 1100/2002 dt. 6-10-2002 of PS Madiwala, Bangalore City	u/s 255, 256, 257, 258, 259, 260, 465, 468, 420 r/w 120-B IPC
5.	Crime No. 204/2002 dt. 18-10-2002 of PS Vidya Nagar, Hubli City	u/s 255, 256, 257, 258, 259, 260, 419, 420, 489-B r/w 120-B IPC
6.	Crime No. 44/2003 dt. 21-1-2003 of PS Peenya, Bangalore City	u/s 464, 468, 471, 420, 120-B IPC
7.	Crime No. 17/1998 dt. 24-1-98 of PS City Market, Bangalore City	u/s 255, 256, 259, 463, 471, 420 IPC
8.	Crime No. 332/1999 dt. 9-6-99 of PS Yashwanthpur, Bangalore City	u/s 256, 257, 258, 259, 260, 261, 465, 467, 468, 472, 474, 473, 420 r/w 120-B IPC
9.	Crime No. 532/2000 dt. 16-5-2000 of PS Ulsoorgate, Bangalore City	u/s 258, 259 IPC
10.	Crime No. 421/2001 dt. 23-7-2001 of PS Ulsoorgate, Bangalore City	u/s 255, 269 IPC

ANNEXURE—F

MAHARASHTRA

Sl. No.	Crime No. & Police Station	Sections of Law
1	2	3
1.	Crime No. 135/02 of Bundgarden, Police	u/s 120-B, 216, 218, 221, 295, 256, 257, 258, 259, 260,

1	2	3
	Station	263(A), 403, 419, 420, 467, 468, 471, 472, 473, 474, 475, 476, 109, 34 IPC r/w Section 63 (a) (b) Bombay Stamp Act and Sec. 3, 4, 24, of MCOC Act and Sec. 7, 12, and 13 (2) of PC Act.
2.	Crime No. 73/02 dated 17-7-02 of DCB CID (Unit-V)	u/s 120-B, 255, 258, 259, 260, 465, 468, 471, 34 IPC
3.	Crime No. 355/95 dated 3-6-1995 of PS MRA Marg	u/s 120-B, 466, 468, 471, 34 IPC r/w 63 Mumbai Stamp Act.
4.	Crime No. 6/2003 of DCB CID (Unit-V)	u/s 120-B, 255, 258, 259, 465, 467, 468, 420, IPC r/w 63 Stamp Act.
5.	Crime No. 148/2002 of DCB, CID (Unit-V).	u/s 255, 258, 259, 466, 467, 468, 471, 420, IPC r/w 63 Stamp Act.
6.	Crime No. 143/2002 of DCB, CID (Unit-V).	u/s 120-B, r/w 255, 258, 259, 260, 466, 467, 468, 471, 420, IPC r/w 63 Stamp Act.
7.	Crime No. 78/98 of DCB, CID (Unit-V).	u/s 465, 466, 467, 468, 471, 472, 473, 474, 411, 420, 34 IPC r/w Rule 17 and 40 of Mumbai Stamps Supply and Sales Rules, 1934 r/w 62, 63, Mumbai Stamp Act, 1958
8.	Crime No. 125/2001 dated 16-3-2001 of PS Mulund.	u/s 258, 259, 471, 472, 34 IPC r/w 63-Stamp Act.
9.	Crime No. 155/2002 of DCB, CID (Unit-V).	u/s 120-B, 258, 468, 471, 420, IPC r/w 63 Stamp Act.
10.	Crime No. 154/2002 of DCB CID (Unit-V).	u/s 120-B, 255, 258, 468, 471, 472, 473, 420-34 IPC r/w 63 Stamp Act.
11.	Crime No. 48/92 dated 28-6-1992 of General Branch.	u/s 261, 262, 409, 420, 465, 467, 471 IPC
12.	Crime No. 225/1995 dated 12-5-1995 of PS Dadar.	u/s 261, 262, 263, 420, 34 IPC
13.	Crime No. 109/99 dated 23-2-1999 of PS Oshiwara.	u/s 258, 259, 260 IPC
14.	Crime No. 51/2001 dated 7-7-2001 of DCB CID, (Airport Unit).	u/s 259, 465, 467, 468, 471, 474, 420, 34 IPC

1	2	3
15.	Crime No. 239/2002 dated 11-7-2002 of PS MRA Marg.	U/s 255, 256, 258, 259 IPC r/w 63 Stamp Act
16.	Crime No. 571/2001 dated 27-12-2001 of PS Vakola.	U/s 258, 259, IPC
17.	Crime No. 307/99 dated 14-12-1999 of PS Nirmal Nagar.	U/s 255, 256, 257, 258, 259, 260, 263 (A) (I) (a) (b) (c), 201, 379, 465, 467, 468, 471, 420, 120-B, 34 IPC r/w 16 r/w 60 of Indian Post Office Act, 1898
18.	Crime No. 68/2002 dated 29-08-2001, DCB CID.	U/s 302, 120-B, 144, 148, 149, 201 IPC
19.	Crime No. 274/99 dated 22-08-99, PS Mira Road.	U/s 255, 257, 258, 259, 260, 420, 467 IPC
20.	Crime No. 131/2001, PS Thane Nagar.	U/s 255, 257, 258, 260, 261, 263, 263(A), 120-B, 420, 471, 468 and 63 (A) (B) IPC
21.	Crime No. 123/2000, PS Satpur.	U/s 120-B, 225, 256, 257, 258, 259, 120, 160, 467, 468, 472, IPC
22.	Crime No. 788/95 dated 05-08-1995 PS Sahar.	U/s 255, 258, 259, 260, 420, 34 IPC
23.	Crime No. 379/2003 of PS Ambad, Nashik City.	U/s 261, 262, 263, 263(A) (B), 489 (A) (C), 420 r/w 34 IPC

**ANNEXURE-G
WEST BENGAL**

Sl. No.	Crime No. & Police Station	Sections of Law
1.	Crime No. 194 dt. 15-6-2002 of PS Rajarhat, Distt. North 24 Pargana	U/s 255, 256, 257, 258, 259, 260, 261, 262, 263, 467, 471, 474, 477, 489A, 489 B, 489 C, 489 D, 120 B, 121, 121A, 420, IPC and 25/27 Arms Act.

**ANNEXURE-H
TAMIL NADU**

Sl. No.	Crime No. & Police Station	Sections of Law
1.	Crime No. 2/2002 of C.B., CID Hqrs, Chennai, Tamil Nadu	U/s 465, 467, 420, 474, 475, 258 and 259 IPC
2.	Crime No. 7/2002 of C.B., CID Hqrs., Chennai, Tamil Nadu.	U/s. 465, 467, 420, 474, 475, 255, 258 and 259 IPC

ANNEXURE-I

KERALA

Sl. No.	Crime No. & Police Station	Sections of Law
1.	Crime No. 223/CR/03/ CC 395/03 of P.S. Thalassery.	U/s 489 A, 489 B, 489 C, 489 D, 255, 257, 120 B IPC

ANNEXURE-J

UTTAR PRADESH

Sl. No.	Crime No. & Police Station	Sections of Law
1.	Crime No. 778/2003 FIR No. 687 dated 19-12-2003 of PS Hazaratganj, Lucknow	U/s 420, 406, 409 IPC, 64 C and 69 Stamp Act
2.	Crime No. 483/2003 FIR No. 285 dated 23-11-2003 of PS Wazirganj, Lucknow	U/s. 420, 257, 258 IPC
3.	Crime No. 248/2003 of PS Philkhana, Kanpur City.	U/s. 176, 255, 258, 259, 420, 467, 468, 471, 409, IPC and 64 and 69 Indian Stamp Act.

नई दिल्ली, 24 मार्च, 2004

का. आ. 795. — केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 संपठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मणिपुर सरकार के सचिवालय गृह (पुलिस) विभाग की अधिसूचना सं. 2/8(20)2003-एच दिनांक 27 जनवरी, 2004 द्वारा प्राप्त मणिपुर सरकार की सहमति से श्री फ्रांसिस नयोकापा, मंत्री (जी.ए.डी./टैक्सेशन) मणिपुर की पुत्री सुश्री लुंगनिला एलिजाबेथ के अपहरण के संबंध में लाम्फेल पुलिस स्टेशन, इम्फाल, पश्चिम जिला, मणिपुर में भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 364-ए और 368 के अधीन दर्ज मामला प्रथम सूचना रिपोर्ट सं. 181 (11) 2003 और उपर्युक्त अपराधों से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और षड्यंत्र तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किन्हीं अन्य अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण मणिपुर राज्य पर करती है।

[सं. 228/12/2004-डी.एस.पी.ई.]

शुभा ठाकुर, अवर सचिव

New Delhi, the 24th March, 2004

S. O. 795.— In exercise of powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the Government of Manipur vide Manipur Secretariat Home (Police) Department Notification No. 2/8(20)2003-H dated 27-1-2004 hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment to the whole State of Manipur for investigation of case F.I.R. No. 181 (11) 2003 registered at Lamphel Police Station, Imphal, West District, Manipur u/s 364-A/368 of the Indian Penal Code regarding kidnapping of Ms. Lungnila Elizabeth d/o Sh. Francis Ngajokpa, Hon'ble Minister (GAD/Taxation), Manipur and attempts, abetments and conspiracy in relation to or in connection with the offences mentioned above and any other offences committed in the course of same transaction or arising out of the same facts.

[No. 228/12/2004-DSPE]

SHUBHA THAKUR, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

आदेश

नई दिल्ली, 11 मार्च, 2004

स्टाम्प

का. आ. 796.— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है जिसके साथ वाटर एण्ड सैनिटेशन पूल निधि, तमिलनाडु द्वारा मात्र तीस करोड़ इकतालीस लाख रुपये के समग्र मूल्य के प्रोमिसरी नोटों के स्वरूप के 9.20 प्रतिशत वाटर एण्ड सैनिटेशन पूल निधि बंधपत्र के रूप में वर्णित बंधपत्र जारी किए गए थे, जो उक्त अधिनियम के तहत प्रभावी हैं।

[सं. 6/2004-स्टाम्प/फा. सं. 33/35/2003-बि.क.]

आर. जी. छाबड़ा, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 11th March, 2004

STAMPS

S. O. 796.— In exercise of the powers conferred by clause (a) of Sub-section (1) of Section 9 of Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits

the duty with which the bonds described as 9.20% Water and Sanitation Pooled Fund Bonds in the nature of promissory notes aggregating to rupees thirty crore forty one lakh only issued by Water and Sanitation Pooled Fund, Tamil Nadu, are chargeable under the said Act.

[No. 6/2004-Stamp/F. No. 33/35/2003-ST]

R. G. CHHABRA, Under Secy.

आदेश

नई दिल्ली, 11 मार्च, 2004

स्टाम्प

का. आ. 797.— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा आईसीआईसीआई बैंक लिमिटेड, मुम्बई को मात्र एक करोड़ पचास लाख चौरानवे हजार सात सौ तिरसठ रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त बैंक द्वारा जारी किए जाने वाले मात्र पांच सौ बाईस करोड़ बावन लाख सत्तर हजार रुपये के समग्र मूल्य के ऋण पत्रों के स्वरूप में वर्णित 1045054 आईसीआईसीआई बैंक असुरक्षित विमोच्य बंधपत्रों (दिसम्बर, 2003 निर्गम) पर स्टाम्प शुल्क के कारण प्रभावी हैं।

[सं. 7/2004-स्टाम्प/फा. सं. 33/15/2004-बि.क.]

आर. जी. छाबड़ा, अवर सचिव

ORDER

New Delhi, the 11th March, 2004

STAMPS

S. O. 797.— In exercise of the powers conferred by clause (b) of Sub-section (1) of Section 9 of Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits ICICI Bank Limited, Mumbai to pay consolidated stamp duty of rupees one crore ninety five lakh ninety four thousand seven hundreded sixty three only chargeable on account of the stamp duty on 1045054 ICICI Bank Unsecured Redeemable Bonds (December, 2003 Issue) in the nature of Debentures aggregating to rupees five hundreded twenty two crores fifty two lakh seventy thousand only, to be issued by the said Bank.

[No. 7/2004-Stamp/F. No. 33/15/2004-ST]

R. G. CHHABRA, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 23 मार्च, 2004

का. आ. 798.— बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का

प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 2006 तक धर्मापुरी जिला मध्यवर्ती सहकारी बैंक लि., धर्मापुरी, तमिलनाडु राज्य पर लागू नहीं होंगे।

[फा. सं. 1 (4)/2004-एसी]

खड्ग सिंह, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 23rd March, 2004

S. O. 798.— In exercise of the powers conferred by Section 53 read with section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on recommendation of the Reserve Bank of India declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to The Dharmapuri District Central Co-operative Bank Limited, Dharmapuri, Tamil Nadu from the date of publication of this notification in the Official Gazette till 31st March, 2006.

[F. No. 1(4)/2004-AC]

KHARG SINGH, Under Secy.

नई दिल्ली, 25 मार्च, 2004

का. आ. 799.— राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1980 के खंड 3 के उपखंड (1) के साथ पठित बैंककारी कम्पनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उपधारा (3) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, नीचे दिए गए कालम (2) में विनिर्दिष्ट व्यक्तियों को तत्काल प्रभाव से और अगले आदेशों तक या उनके वित्त मंत्रालय में अधिकारी बने रहने तक, इनमें से जो भी पहले हो, कालम (3) में विनिर्दिष्ट व्यक्तियों के स्थान पर कालम (1) में दिए गए बैंकों के निदेशकों के रूप में नामित करती है :

तालिका

(1)	(2)	(3)
कारपोरेशन बैंक	श्री जी.आर. सुमन, निदेशक, बैंकिंग प्रभाग, वित्त मंत्रालय, नई दिल्ली।	श्री प्रदीप कुमार
पंजाब एंड सिंध बैंक	श्री सुदेश कुमार, निदेशक, बैंकिंग प्रभाग, वित्त मंत्रालय, नई दिल्ली।	श्री जी.आर. सुमन

[फा. सं. 9/11/2004-बीओ-I(ii)]

रमेश चन्द, अवर सचिव

New Delhi, the 25th March, 2004

S. O. 799.— In exercise of the powers conferred by clause (b) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 read with sub-clause (1) of clause 3 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government hereby nominates the persons specified in column (2) of the table below as directors of the Banks specified in column (1) thereof in place of the persons specified in column (3) of the said table, with immediate effect and until further orders or till they ceases to be an officer of Ministry of Finance whichever is earlier :—

TABLE

(1)	(2)	(3)
Corporation Bank	Shri G. R. Summan, Director, Banking Division, Ministry of Finance, New Delhi.	Shri Pradip Kumar
Panjab and Sind Bank	Shri Sudesh Kumar, Director, Banking Division, Ministry of Finance, New Delhi	Shri G. R. Summan

[F. No. 9/11/2004-BO-I(ii)]

RAMESH CHNAD, Under Secy.

नई दिल्ली, 25 मार्च, 2004

का. आ. 800.— राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 3 के उपखंड (1) के साथ पठित बैंककारी कम्पनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, नीचे दिए गए कालम (2) में विनिर्दिष्ट व्यक्तियों को तत्काल प्रभाव से और अगले आदेशों तक या उनके वित्त मंत्रालय में अधिकारी बने रहने तक, इनमें से जो भी पहले हो, कालम (3) में विनिर्दिष्ट व्यक्तियों के स्थान पर कालम (1) में दिए गए बैंकों के निदेशकों के रूप में नामित करती है :

तालिका

(1)	(2)	(3)
यूको बैंक	डा. अशोक लाहिडी, मुख्य आर्थिक सलाहकार, वित्त मंत्रालय, नार्थ ब्लॉक, नई दिल्ली।	श्री सुदेश कुमार

(1)	(2)	(3)
इंडियन ओवरसीस बैंक	श्री के. एस. मेनन, संयुक्त सचिव (बजट) बजट प्रभाग, वित्त मंत्रालय, नार्थ ब्लॉक, नई दिल्ली।	श्री प्रदीप कुमार देव
बैंक ऑफ महाराष्ट्र	श्री सुभाष गर्ग, संयुक्त सचिव (पीएफ-1) व्यय विभाग, वित्त मंत्रालय, नार्थ ब्लॉक, नई दिल्ली।	डा. तरुण दास
सेंट्रल बैंक आफ इंडिया	श्री यू. के. सिन्हा संयुक्त सचिव (कैपिटल मार्केट), वित्त मंत्रालय, नार्थ ब्लॉक, नई दिल्ली।	रिक्त पद के बदले

[फा. सं. 9/11/2004-बीओ I(i)]

रमेश चन्द, अवर सचिव

New Delhi, the 25th March, 2004

S.O. 800.—In exercise of the powers conferred by clause (b) of Sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub-clause (1) of clause 3 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby nominates the persons specified in column (2) of the table below as directors of the banks specified in column (1) thereof in place of the persons specified in column (3) of the said table, with immediate effect and until further orders or till they ceases to be an officer of Ministry of Finance, whichever is earlier :—

TABLE

(1)	(2)	(3)
UCO Bank	Dr. Ashok Lahiri, Chief Economic Adviser, Ministry of Finance, North Block, New Delhi	Shri Sudesh Kumar
Indian Overseas Bank	Shri K. S. Menon, Joint Secretary (Budget), Budget Division, Ministry of Finance, North Block, New Delhi	Shri Praucep Kumar Deb

(1)	(2)	(3)
Bank of Maha- rashtra	Shri Subhash Garg, Joint Secretary (PF-I), Department of Expenditure, Ministry of Finance, North Block, New Delhi	Dr. Tarun Das
Central Bank of India	Shri U. K. Sinha, Joint Secretary, (Capital Market) Ministry of Finance, North Block, New Delhi	Against vacant post

[F. No. 9/11/2004-B.O.I (i)]
RAMESH CHAND, Under Secy.

नई दिल्ली, 25 मार्च, 2004

का. आ. 801.—भारतीय स्टेट बैंक (अनुषंगी बैंक) अधिनियम, 1959 की धारा 25 की उपधारा (1) के खंड (ड) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, नीचे दिए गए कालम (2) में विनिर्दिष्ट व्यक्तियों को तत्काल प्रभाव से और अगले आदेशों तक या उनके वित्त मंत्रालय में अधिकारी बने रहने तक, इनमें से जो भी पहले हो, कालम (3) में विनिर्दिष्ट व्यक्तियों के स्थान पर कालम (1) में दिए गए बैंकों के निदेशकों के रूप में नामित करती है :—

सारणी

(1)	(2)	(3)
स्टेट बैंक आफ पटियाला	श्री डी. पी. भारद्वाज, अवर सचिव, बैंकिंग प्रभाग, वित्त मंत्रालय, नई दिल्ली।	श्री मंगल मराण्डी
स्टेट बैंक आफ हैदराबाद	श्री एस. पी. एस. सांगवान, अवर सचिव, बैंकिंग प्रभाग, वित्त मंत्रालय, नई दिल्ली	श्री रमेश चन्द
स्टेट बैंक आफ मैसूर	श्री जी. बी. सिंह, अवर सचिव, बैंकिंग प्रभाग, वित्त मंत्रालय, नई दिल्ली	श्री बी. डी. बेरवाल
स्टेट बैंक आफ सौराष्ट्र	श्री अतानु चकवर्ती, निदेशक, प्लान फाइनेंस, श्री कृष्ण लाल व्यय विभाग, नार्थ ब्लॉक, नई दिल्ली	
स्टेट बैंक आफ त्रावणकोर	श्री ए. थामस, अवर सचिव, बैंकिंग प्रभाग, वित्त मंत्रालय, नई दिल्ली	श्री डी. चौधरी

(1)	(2)	(3)
स्टेट बैंक आफ इन्दौर	श्री एम. वेंकटेश्वरलु, अवर सचिव, बैंकिंग प्रभाग, वित्त मंत्रालय, नई दिल्ली	श्री एस. के. ठाकुर

[एफ. सं. 9/11/2004-बीओ-I(iii)]

रमेश चन्द, अवर सचिव

New Delhi, the 25th March, 2004

S.O. 801.—In exercise of the powers conferred by clause (e) of Sub-section (1) of Section 25 of the State Bank of India (Subsidiary Banks) Act, 1959, the Central Government, hereby nominates the persons specified in column (2) of the table below as directors of the banks specified in column (1) thereof in place of the persons specified in column (3) of the said table, with immediate effect and until further orders or till they ceases to be an officer of Ministry of Finance, whichever is earlier :—

TABLE

(1)	(2)	(3)
State Bank of Patiala	Shri D.P. Bhardwaj Under Secretary, Banking Division, Ministry of Finance, New Delhi.	Shri Mangal Marandi
State Bank of Hyderabad	Shri S.P.S. Sangwan, Under Secretary, Banking Division, Ministry of Finance, New Delhi.	Shri Ramesh Chand
State Bank of Mysore	Shri G. B. Singh, Under Secretary, Banking Division, Ministry of Finance, New Delhi.	Shri B.D. Berwal
State Bank of Saurashtra	Shri Atanu Chakravarti Director, Plan Finance, D/o Expenditure, North Block, New Delhi.	Shri Krishan, Lal
State Bank of Travancore	Shri A. Thomas Under Secretary, Banking Division, Ministry of Finance, New Delhi.	Shri D. Choudhary
State Bank of Indore	Shri M. Venkateshwarlu, Under Secretary, Banking Division, Ministry of Finance, New Delhi.	Shri S. K. Thakur

[F. No. 9/11/2004-B.O.I(iii)]

RAMESH CHAND, Under Secy.

विदेश मंत्रालय

(सी.पी.वी. प्रभाग)

नई दिल्ली, 17 मार्च, 2004

का. आ. 802.—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम 1948 (1948 का 41वां) को धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का प्रधान कौंसलावास, शंघाई में श्री ए. एम. जे. चन्द्रन, सहायक को 17-03-2004 से सहायक कौंसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है।

[सं. टी.-4330/01/2004]

उपेन्द्र सिंह रावत, अवर सचिव (कौंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(C.P.V. Division)

New Delhi, the 17th March, 2004

S. O. 802.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri A. M. J. Chandran, Assistant in the Consulate General of India, Shanghai to perform the duties of Assistant Consular Officer with effect from 17-03-2004.

[No. T-4330/01/2004]

U. S. RAWAT, Under Secy. (Cons.)

नई दिल्ली, 17 मार्च, 2004

का. आ. 803.—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम 1948 (1948 का 41वां) को धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का राजदूतावास, बहरीन में निम्नलिखित सहायकों को 17-03-2004 से सहायक कौंसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है।

1. श्री सज्जन सिंह

2. श्री अमोस टुडु

[सं. टी.-4330/01/2004]

उपेन्द्र सिंह रावत, अवर सचिव (कौंसुलर)

New Delhi, the 17th March, 2004

S. O. 803.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorise following Assistants in the Embassy of India, Bahrain to perform the duties of Assistant Consular Officer with effect from 17-03-2004.

1. Shri Sajjan Singh

2. Shri Amos Tudu

[No. T-4330/01/2004]

U.S. RAWAT, Under Secy. (Cons.)

अन्तरिक्ष विभाग

बेंगलूर, 18 मार्च, 2004

का. आ. 804.—संविधान की धारा 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राष्ट्रपति अन्तरिक्ष विभाग कर्मचारी (वर्गीकरण, नियंत्रण तथा अपील) नियम, 1976 में संशोधन करने हेतु निम्नलिखित नियम बनाते हैं, जो इस प्रकार हैं :—

1. (1) इन नियमों को अन्तरिक्ष विभाग कर्मचारी (वर्गीकरण, नियंत्रण तथा अपील) संशोधन नियम, 2004 कहा जाएगा।

(2) ये सरकारी राजपत्र में प्रकाशन के दिनांक से नब्बे दिनों की समाप्ति के बाद से प्रभावी होंगे।

2. अन्तरिक्ष विभाग कर्मचारी (वर्गीकरण, नियंत्रण तथा अपील) नियम, 1976 में उप-नियम (5) के बाद नियम 7 के अन्तर्गत निम्नलिखित उप-नियम जोड़े जाएंगे, जैसे :—

“(6) इस नियम के अधीन किये गये अथवा किया गया समझो गये निलम्बन आदेश की, निलम्बन आदेश के दिनांक से नब्बे दिनों के समाप्त होने से पूर्व, इस उद्देश्य हेतु गठित समीक्षा समिति की सिफारिश पर निलम्बन को परिशोधित या प्रतिसंहत करने वाले सक्षम प्राधिकारी द्वारा समीक्षा की जाएगी और निलम्बन को बढ़ाने या प्रतिसंहत करने के आदेश जारी किए जाएंगे और बढ़ाई गई निलम्बन की अवधि के समाप्त होने से पूर्व ही तद्वर्ती समीक्षा की जानी चाहिए : बशर्ते बढ़ाई गई निलम्बन अवधि एक बार में एक सौ अस्सी दिनों की अवधि से अधिक नहीं हो।

(7) उप-नियम (5) में समाविष्ट किसी बात के होते हुए, इस नियम के उप-नियम (1) या (2) के तहत किया गया या किया गया समझा गया निलम्बन का आदेश नब्बे दिन की अवधि से ज्यादा मान्य नहीं होगा बशर्ते नब्बे दिनों की अवधि के समाप्त होने से पहले समीक्षा के बाद आगे न बढ़ाया गया हो।”

[सं. 2/5/1/98-V]

वाणी रामचन्द्र, उप सचिव

नोट : दिनांक 1-4-1976 के भारत के राजपत्र (असाधारण) भाग-II खण्ड-3 में दिनांक 1-4-1976 के एस. ओ. सं. 270 (ई) द्वारा सैद्धान्तिक नियम प्रकाशित किए गए थे और तदनन्तर निम्नलिखित द्वारा संशोधित किए गए हैं :—

क्र. सं.	अधिसूचना सं.	दिनांक	एस.ओ.सं.	दिनांक
1	2	3	4	5
1.	2/10(32)/76-I	10-02-1977	780	12-03-1977
2.	2/10(32)/76-I	16-5-1977	2127	25-06-1977
3.	2/10(27)/76-I	01-08-1977	2709	27-08-1977
4.	2/7(5)/77-I	15-02-1978	585	25-02-1978
5.	2/7(5)/77-I	27-05-1978	1780	17-06-1978

1	2	3	4	5
6.	2/9(12)/74-III	16-03-1979	1178	07-04-1979
7.	9/4(1)/80-III	26-05-1980	1684	21-06-1980
8.	9/4(1)/80-III	05-09-1980	2586	27-09-1980
9.	9/4(1)/80-III	13-10-1980	3299	29-11-1980
10.	9/4(1)/80-III	13-10-1980	3300	29-11-1980
11.	9/4(1)/80-III	20-12-1980	215	17-01-1981
12.	2/8(1)/81-I	28-08-1981	2592	03-10-1981
13.	2/8(1)/81-I	16-07-1982	3113	04-09-1982
14.	2/9(1)/83-I(V)	29-07-1985	4280	14-09-1985
15.	2/5(1)/85-V	02-01-1986	510	08-02-1986
16.	2/9(1)/83-I(V)	02-01-1986	511	08-02-1986
17.	2/5(1)/86-V	17-03-1986	1309	29-03-1986
18.	2/5(2)/86-V	20-10-1986	3874	15-11-1986
19.	2/5(1)/90-VI	01-01-1991	99	09-02-1991
20.	2/5(2)/86-V (VI) (बि. III)	15-11-1991	334	01-02-1992
21.	2/5(1)/91-VI	23-10-1992	2891	21-11-1992
22.	2/5(1)/95-V	24-03-1995	1029	15-04-1995
23.	2/5(1)/91-V	12-10-1995	2856	28-10-1995
24.	2/5(1)/91-V	27-03-1996	1241	20-04-1996
25.	2/5(1)/95-V	23-12-1997	83	10-01-1998
26.	2/5(1)/98-V	30-06-2000	1763	05-08-2000
27.	2/5(1)/98-V	27-12-2000	34	13-02-2001
28.	2/5(1)/98-V	24-01-2001	254	10-02-2001

DEPARTMENT OF SPACE

Bangalore, the 18th March, 2004

S. O. 804.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Department of Space Employees' (Classification, Control and Appeal) Rules, 1976, namely :—

1. (1) These rules may be called the Department of Space Employees' (Classification, Control and Appeal) Amendment Rules, 2004.

(2) They shall come into force on the expiry of ninety days from the date of their publication in the Official Gazette.

2. In the Department of Space Employees' (Classification, Control and Appeal) Rules, 1976, in rule 7,

after sub-rule (5), the following sub-rules shall be inserted, namely :—

“(6) An Order of suspension made or deemed to have been made under this rule shall be reviewed by the authority competent to modify or revoke the suspension, before expiry of ninety days from the date of order of suspension, on the recommendation of the Review Committee constituted for the purpose and pass orders either extending or revoking the suspension and any subsequent review shall be made before the expiry of the extended period of suspension provided that the extension of suspension shall not be for a period exceeding one hundred and eighty days at a time.

(7) Notwithstanding anything contained in sub-rule (5), an order of suspension made or deemed to have been made under sub-rules (1) or (2) of this rule shall not be valid after a period ninety days unless it is extended after review, for a further period before the expiry of ninety days.”

[No. 2/5/1/98-V]

VANI RAMACHANDRA, Dy. Secy.

Note : The principal rules were published vide No. S. O. 270(E) dated 1-4-1976 in the Gazette of India (Extraordinary) Part-II, Section-3, Sub-section (ii) dated 1-4-1976 and have been subsequently amended by :—

Sl. No.	Notification No.	Date	S. O. No.	Date
1	2	3	4	5
1.	2/10(32)/76-I	10-02-1977	780	12-03-1977
2.	2/10(32)/76-I	16-05-1977	2127	25-06-1977
3.	2/10(27)/76-I	01-08-1977	2709	27-08-1977
4.	2/7(5)/77-I	15-02-1978	585	25-02-1978
5.	2/7(5)/77-I	27-05-1978	1780	17-06-1978
6.	2/9(12)/74-III	16-03-1979	1178	07-04-1979
7.	9/4(1)/80-III	26-05-1980	1684	21-06-1980
8.	9/4(1)/80-III	05-09-1980	2586	27-09-1980
9.	9/4(1)/80-III	13-10-1980	3299	29-11-1980
10.	9/4(1)/80-III	13-10-1980	3300	29-11-1980
11.	9/4(1)/80-III	20-12-1980	215	17-01-1981
12.	2/8(1)/81-I	28-08-1981	2592	03-10-1981
13.	2/8(1)/81-I	16-07-1982	3113	04-09-1982
14.	2/9(1)/83-I(V)	29-07-1985	4280	14-09-1985
15.	2/5(1)/85-V	02-01-1986	510	08-02-1986
16.	2/9(1)/83-I(V)	02-01-1986	511	08-02-1986
17.	2/5(1)/86-V	17-03-1986	1309	29-03-1986
18.	2/5(2)/86-V	20-10-1986	3874	15-11-1986
19.	2/5(1)/90-VI	01-01-1991	99	09-02-1991
20.	2/5(2)/86-V(VI) (Vol. III)	15-11-1991	334	01-02-1992

1	2	3	4	5
21.	2/5(1)/91-VI	23-10-1992	2891	21-11-1992
22.	2/5(1)/95-V	24-03-1995	1029	15-04-1995
23.	2/5(1)/91-V	12-10-1995	2856	28-10-1995
24.	2/5(1)/91-V	27-03-1996	1241	20-04-1996
25.	2/5(1)/95-V	23-12-1997	83	10-01-1998
26.	2/5(1)/98-V	30-06-2000	1763	05-08-2000
27.	2/5(1)/98-V	27-12-2000	34	13-01-2001
28.	2/5(1)/98-V	24-1-2001	254	10-02-2001

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 23 मार्च, 2004

का. आ. 805.— भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजन हेतु नार्थवेस्टर्न यूनिवर्सिटी द्वारा प्रदत्त चिकित्सा अर्हता एम.डी.; उक्त अधिनियम की धारा 14 के अधीन एक मान्यता प्राप्त चिकित्सा अर्हता है;

और, डा. गौरव ऐलावादी, जिनके पास उक्त अर्हता है, श्री सत्य साई जनरल अस्पताल, प्रशान्ति निलयम-515134, अनंतपुर जिला, आन्ध्र प्रदेश से धर्मार्थ (चैरिटेबल) कार्य हेतु और न कि व्यक्तिगत लाभ हेतु जुड़े हैं;

अतः, अब, उक्त अधिनियम की धारा 14 की उप-धारा (1) के खण्ड (ग) के अनुसरण में, केन्द्र सरकार एतद्वारा विनिर्दिष्ट करती है कि भारत में डा. गौरव ऐलावादी द्वारा आयुर्विज्ञान की प्रैक्टिस करने की अवधि :—

(क) 1-1-2004 से आगे 6 माह की अवधि; अथवा

(ख) उस अवधि जिसके दौरान डा. गौरव ऐलावादी, श्री सत्य साई जनरल अस्पताल, प्रशान्ति निलयम-515134, अनंतपुर जिला, आन्ध्र प्रदेश से जुड़े हैं, इनमें से जो भी कम हो, तक सीमित रहेगी।

[संख्या बी-11016/1/2004-एमई (नीति-1)]

पी. जी. कलाधरण, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 23rd March, 2004

S.O. 805.—Whereas medical qualification MD granted by Northwestern University is a recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) under Section 14 of the said Act;

And whereas, Dr. Gorav Ailawadi, who possess the said qualification is attached to Sri Sathya Sai General Hospital, Prasanthi Nilayam-515134, Ananthapur Distt., (A.P.), for the purpose of charitable work and not for personal gain;

Now, therefore, in pursuance of clause (c) of Sub-section (1) of the Section 14 of the said Act, the Central

Government hereby specifies that the period of practice of medicine by Dr. Gorav Ailawadi in India shall be limited to:—

(a) a period of six months from 1-1-2004 onwards; or

(b) the period during which Dr. Gorav Ailawadi is attached to Sri Sathya Sai General Hospital Prasanthi Nilayam, Ananthapur Distt., (A.P.), whichever is shorter.

[No. V-11016/1/2004-ME (Policy-I)]

P. G. KALADHARAN, Under Secy.

नई दिल्ली, 23 मार्च, 2004

का. आ. 806.— भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजन हेतु चटगांव विश्वविद्यालय द्वारा प्रदत्त चिकित्सा अर्हता डी.सी.ओ.; उक्त अधिनियम की धारा 14 के अधीन एक मान्यता प्राप्त चिकित्सा अर्हता है;

और, डा. इलियास अली खान, जिनके पास उक्त अर्हता है, अरविंद आई हास्पिटल, अन्ना नगर, मदुरै-625020 से धर्मार्थ (चैरिटेबल) कार्य हेतु और न कि व्यक्तिगत लाभ हेतु जुड़े हैं;

अतः, अब, उक्त अधिनियम की धारा 14 की उप-धारा (1) के खण्ड (ग) के अनुसरण में, केन्द्र सरकार एतद्वारा विनिर्दिष्ट करती है कि भारत में डा. इलियास अली खान द्वारा आयुर्विज्ञान की प्रैक्टिस करने की अवधि:—

(क) 1-1-2004 से आगे 6 माह की अवधि; अथवा

(ख) उस अवधि जिसके दौरान डा. इलियास अली खान, अरविंद आई हास्पिटल, अन्ना नगर, मदुरै-625020 से जुड़े हैं, इनमें से जो भी कम हो, तक सीमित रहेगी।

[संख्या बी-11016/1/2003-एमई (नीति-I)]

पी. जी. कलाधरण, अवर सचिव

New Delhi, the 23rd March, 2004

S. O. 806.—Whereas medical qualification DCO. granted by University of Chitagong is a recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) under Section 14 of the said Act;

And whereas, Dr. Ileas Ali Khan, Bangladeshi national, who possess the said qualification is attached to Arvind Eye Hospital, Anna Nagar, Madurai-625020 for the purpose of charitable work and not for personal gain;

Now, therefore, in pursuance of clause (c) of Sub-section (1) of the Section 14 of the said Act, the Central Government hereby specifies that the period of practice of medicine by Dr. Ileas Ali Khan in India shall be limited to:—

(a) a period of six months from 1-1-2004 onwards; or

(b) the period during which Dr. Ileas Ali Khan is attached to Arvind Eye Hospital, Anna Nagar, Madurai-625020, whichever is shorter.

[No. V-11016/1/2003-ME (Policy-I)]

P. G. KALADHARAN, Under Secy.

नई दिल्ली, 23 मार्च, 2004

का. आ. 807.— भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजन हेतु बंगलौर विश्वविद्यालय द्वारा प्रदत्त चिकित्सा अर्हता एम.बी.बी.एस.; उक्त अधिनियम की धारा 14 के अधीन एक मान्यताप्राप्त चिकित्सा अर्हता है;

और, डा. रेड्डी तनूजा रामप्रकाश, जिनके पास उक्त अर्हता है, श्री सत्य साई जनरल अस्पताल, प्रशान्ति निलयम-515134, अनंतपुर जिला, आन्ध्र प्रदेश से धर्मार्थ (चैरिटेबल) कार्य हेतु और न कि व्यक्तिगत लाभ हेतु जुड़ी है;

अतः, अब, उक्त अधिनियम की धारा 14 की उप-धारा (1) के खण्ड (ग) के अनुसरण में, केन्द्र सरकार एतद्वारा विनिर्दिष्ट करती है कि भारत में डा. रेड्डी तनूजा रामप्रकाश द्वारा आयुर्विज्ञान की प्रैक्टिस करने की अवधि:—

(क) 1-1-2004 से आगे 6 माह की अवधि; अथवा

(ख) उस अवधि जिसके दौरान डा. रेड्डी तनूजा रामप्रकाश, श्री सत्य साई जनरल अस्पताल, प्रशान्ति निलयम-515134, अनंतपुर जिला, आन्ध्र प्रदेश से जुड़ी हैं, इनमें से जो भी कम हो, तक सीमित रहेगी।

[संख्या बी-11016/1/2004-एमई (नीति-I)]

पी. जी. कलाधरण, अवर सचिव

New Delhi, the 23rd March, 2004

S. O. 807.—Whereas medical qualification MBBS. granted by Bangalore University is a recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) under Section 14 of the said Act;

And whereas, Dr. Reddy, Tanuja Ramaprakash, who possess the said qualification is attached to Sri Sathya Sai General Hospital, Prasanthi Nilayam-515134, Ananthapur Distt., (A.P.), for the purpose of charitable work and not for personal gain;

Now, therefore, in pursuance of clause (c) of Sub-section (1) of the Section 14 of the said Act, the Central Government hereby specifies that the period of practice of medicine by Dr. Reddy, Tanuja Ramaprakash in India shall be limited to:—

(a) a period of six months from 1-1-2004 onwards; or

(b) the period during which Dr. Reddy, Tanuja Ramaprakash is attached to Sri Sathya Sai General Hospital, Prasanthi Nilayam-515134, Ananthapur Distt., (A.P.), whichever is shorter.

[No. V-11016/1/2004-ME (Policy-I)]

P. G. KALADHARAN, Under Secy.

नई दिल्ली, 23 मार्च, 2004

का. आ. 808.— भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजन हेतु बंगलौर विश्वविद्यालय द्वारा प्रदत्त

चिकित्सा अर्हता एम.बी.बी.एस.; उक्त अधिनियम की धारा 14 के अधीन एक मान्यताप्राप्त चिकित्सा अर्हता है;

और, डा. कमला आयंगर, जिनके पास उक्त अर्हता है, श्री सत्य साई जनरल अस्पताल, प्रशान्ति निलयम-515134, अनंतपुर जिला, आन्ध्र प्रदेश से धर्मार्थ (चैरिटेबल) कार्य हेतु और न कि व्यक्तिगत लाभ हेतु जुड़ी हैं;

अतः, अब, उक्त अधिनियम की धारा 14 की उप-धारा (1) के खण्ड (ग) के अनुसरण में, केन्द्र सरकार एतद्वारा विनिर्दिष्ट करती है कि भारत में डा. कमला आयंगर द्वारा आयुर्विज्ञान की प्रैक्टिस करने की अवधि :—

(क) 1-1-2004 से आगे 6 माह की अवधि; अथवा

(ख) उस अवधि जिसके दौरान डा. कमला आयंगर, श्री सत्य साई जनरल अस्पताल, प्रशान्ति निलयम-515134, अनंतपुर जिला, आन्ध्र प्रदेश से जुड़ी हैं, इनमें से जो भी कम हो, तक सीमित रहेगी।

[संख्या वी-11016/1/2004-एमई (नीति-I)]

पी. जी. कलाधरण, अवर सचिव

New Delhi, the 23rd March, 2004

S. O. 808.—Whereas medical qualification MBBS granted by Bangalore University is a recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) under Section 14 of the said Act;

And whereas, Dr. Komala Iyengar, who possess the said qualification is attached to Sri Sathya Sai General Hospital, Prasanthi Nilayam-515134, Ananthapur Distt., (A.P.), for the purpose of charitable work and not for personal gain;

Now, therefore, in pursuance of clause (c) of Sub-section (1) of the Section 14 of the said Act, the Central Government hereby specifies that the period of practice of medicine by Dr. Komala Iyengar, in India shall be limited to :—

(a) a period of six months from 1-1-2004 onwards; or

(b) the period during which Dr. Komala Iyengar, is attached to Sri Sathya Sai General Hospital, Prasanthi Nilayam-515134, Ananthapur Distt., (A.P.), whichever is shorter.

[No. V-11016/1/2004-ME (Policy-I)]

P. G. KALADHARAN, Under Secy.

नई दिल्ली, 23 मार्च, 2004

का. आ. 809.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजन हेतु ओस्मानिया यूनिवर्सिटी द्वारा प्रदत्त चिकित्सा अर्हता एम.बी.बी.एस.; उक्त अधिनियम की धारा 14 के अधीन एक मान्यताप्राप्त चिकित्सा अर्हता है;

और, डा. भास्कर रमण काला, जिनके पास उक्त अर्हता है, श्री सत्य साई जनरल अस्पताल, प्रशान्ति निलयम-515134, अनंतपुर जिला, आन्ध्र प्रदेश से धर्मार्थ (चैरिटेबल) कार्य हेतु और न कि व्यक्तिगत लाभ हेतु जुड़ी हैं;

जिला, आन्ध्र प्रदेश से धर्मार्थ (चैरिटेबल) कार्य हेतु और न कि व्यक्तिगत लाभ हेतु जुड़ी हैं;

अतः, अब, उक्त अधिनियम की धारा 14 की उप-धारा (1) के खण्ड (ग) के अनुसरण में, केन्द्र सरकार एतद्वारा विनिर्दिष्ट करती है कि भारत में डा. भास्कर रमण काला द्वारा आयुर्विज्ञान की प्रैक्टिस करने की अवधि :—

(क) 1-1-2004 से आगे 6 माह की अवधि; अथवा

(ख) उस अवधि जिसके दौरान डा. भास्कर रमण काला, श्री सत्य साई जनरल अस्पताल, प्रशान्ति निलयम-515134, अनंतपुर जिला, आन्ध्र प्रदेश से जुड़े हैं, इनमें से जो भी कम हो, तक सीमित रहेगी।

[संख्या वी-11016/1/2004-एमई (नीति-I)]

पी. जी. कलाधरण, अवर सचिव

New Delhi, the 23rd March, 2004

S. O. 809.—Whereas medical qualification MBBS granted by Osmania University is a recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) under Section 14 of the said Act;

And whereas, Dr. Bhaskar Ramana Kala, who possess the said qualification is attached to Sri Sathya Sai General Hospital, Prasanthi Nilayam-515134, Ananthapur Distt., (A.P.), for the purpose of charitable work and not for personal gain;

Now, therefore, in pursuance of clause (c) of Sub-section (1) of the Section 14 of the said Act, the Central Government hereby specifies that the period of practice of medicine by Dr. Bhaskar Ramana Kala in India shall be limited to :—

(a) a period of six months from 1-1-2004 onwards; or

(b) the period during which Dr. Bhaskar Ramana Kala is attached to Sri Sathya Sai General Hospital, Prasanthi Nilayam, Ananthapur Distt., (A.P.), whichever is shorter.

[No. V-11016/1/2004-ME (Policy-I)]

P. G. KALADHARAN, Under Secy.

नई दिल्ली, 23 मार्च, 2004

का. आ. 810.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजन हेतु नार्थवेस्टर्न यूनिवर्सिटी द्वारा प्रदत्त चिकित्सा अर्हता एम.डी.; उक्त अधिनियम की धारा 14 के अधीन एक मान्यता प्राप्त चिकित्सा अर्हता है;

और, डा. बोम्बा शारदा करुतुरी, जिनके पास उक्त अर्हता है, श्री सत्य साई जनरल अस्पताल, प्रशान्ति निलयम-515134, अनंतपुर जिला, आन्ध्र प्रदेश से धर्मार्थ (चैरिटेबल) कार्य हेतु और न कि व्यक्तिगत लाभ हेतु जुड़ी हैं;

अतः, अब, उक्त अधिनियम की धारा 14 की उप-धारा (1) के खण्ड (ग) के अनुसरण में, केन्द्र सरकार एतद्वारा विनिर्दिष्ट करती है

कि भारत में डा. बोब्बा शारदा करुतुरी द्वारा आयुर्विज्ञान की प्रैक्टिस करने की अवधि :—

(क) 1-1-2004 से आगे 6 माह की अवधि; अथवा

(ख) उस अवधि जिसके दौरान डा. बोब्बा शारदा करुतुरी, श्री सत्य साई जनरल अस्पताल, प्रशान्ति निलयम-515134, अनंतपुर जिला, आन्ध्रप्रदेश से जुड़ी हैं, इनमें से जो भी कम हो, तक सीमित रहेगी।

[संख्या बी-11016/1/2004-एमई (नीति-I)]

पी. जी. कलाधरण, अवर सचिव

New Delhi, the 23rd March, 2004

S. O. 810.—Whereas medical qualification MD granted by Northwestern University is a recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) under Section 14 of the said Act;

And whereas, Dr. Bobba Sharada Karuturi, who possess the said qualification is attached to Sri Sathya Sai General Hospital, Prasanthi Nilayam-515134, Ananthapur Distt., (A.P.), for the purpose of charitable work and not for personal gain;

Now, therefore, in pursuance of clause (c) of Sub-section (1) of the Section 14 of the said Act, the Central Government hereby specifies that the period of practice of medicine by Dr. Bobba Sharada Karuturi in India shall be limited to :—

(a) a period of six months from 1-1-2004 onwards; or

(b) the period during which Dr. Boba Sharada Karuturi is attached to Sri Sathya Sai General Hospital Prasanthi Nilayam, Ananthapur Distt., (A.P.), whichever is shorter.

[No. V-11016/1/2004-ME (Policy-I)]

P. G. KALADHARAN, Under Secy.

नई दिल्ली, 23 मार्च, 2004

का. आ. 811.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजन हेतु सिलोन यूनिवर्सिटी कोलंबो द्वारा प्रदत्त चिकित्सा अर्हता एम.बी.बी.एस.; उक्त अधिनियम की धारा 14 के अधीन एक मान्यताप्राप्त चिकित्सा अर्हता है;

और, डा. शिव कुमार अरुमुगम, जिनके पास उक्त अर्हता है, श्री सत्य साई जनरल अस्पताल, प्रशान्ति निलयम-515134, अनंतपुर जिला, आन्ध्र प्रदेश से धर्मार्थ (चैरिटेबल) कार्य हेतु और न कि व्यक्तिगत लाभ हेतु जुड़े हैं;

अतः, अब, उक्त अधिनियम की धारा 14 की उप-धारा (1) के खण्ड (ग) के अनुसरण में, केन्द्र सरकार एतद्द्वारा विनिर्दिष्ट करती है कि भारत में डा. शिव कुमार अरुमुगम द्वारा आयुर्विज्ञान की प्रैक्टिस करने की अवधि :—

(क) 1-1-2004 से आगे 6 माह की अवधि; अथवा

(ख) उस अवधि जिसके दौरान डा. शिव कुमार अरुमुगम, श्री सत्य साई जनरल अस्पताल, प्रशान्ति निलयम-515134, अनंतपुर जिला, आन्ध्र प्रदेश से जुड़े हैं, इनमें से जो भी कम हो, तक सीमित रहेगी।

[संख्या बी-11016/1/2004-एमई (नीति-I)]

पी. जी. कलाधरण, अवर सचिव

New Delhi, the 23rd March, 2004

S. O. 811.—Whereas medical qualification MBBS granted by University of Ceylon, Colombo is a recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) under Section 14 of the said Act;

And whereas, Dr. Siva Kumar Arumugam, who possess the said qualification is attached to Sri Sathya Sai General Hospital, Prasanthi Nilayam-515134, Ananthapur Distt., (A.P.), for the purpose of charitable work and not for personal gain;

Now, therefore, in pursuance of clause (c) of Sub-section (1) of the Section 14 of the said Act, the Central Government hereby specifies that the period of practice of medicine by Dr. Siva Kumar Arumugam in India shall be limited to :—

(a) a period of six months from 1-1-2004 onwards; or

(b) the period during which Dr. Siva Kumar Arumugam is attached to Sri Sathya Sai General Hospital Prasanthi Nilayam, Ananthapur Distt., (A.P.), whichever is shorter.

[No. V-11016/1/2004-ME (Policy-I)]

P. G. KALADHARAN, Under Secy.

नई दिल्ली, 23 मार्च, 2004

का. आ. 812.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजन हेतु आन्ध्र विश्वविद्यालय द्वारा प्रदत्त चिकित्सा अर्हता एम.बी.बी.एस.; उक्त अधिनियम की धारा 14 के अधीन एक मान्यताप्राप्त चिकित्सा अर्हता है;

और, डा. धनवाड़ा विजया लक्ष्मी, जिनके पास उक्त अर्हता है, श्री सत्य साई जनरल अस्पताल, प्रशान्ति निलयम-515134, अनंतपुर जिला, आन्ध्र प्रदेश से धर्मार्थ (चैरिटेबल) कार्य हेतु और न कि व्यक्तिगत लाभ हेतु जुड़ी हैं;

अतः, अब, उक्त अधिनियम की धारा 14 की उप-धारा (1) के खण्ड (ग) के अनुसरण में, केन्द्र सरकार एतद्द्वारा विनिर्दिष्ट करती है कि भारत में डा. धनवाड़ा विजया लक्ष्मी द्वारा आयुर्विज्ञान की प्रैक्टिस करने की अवधि :—

(क) 1-1-2004 से 1-1-2005 तक की अवधि; अथवा

(ख) उस अवधि जिसके दौरान डा. धनवाड़ा विजया लक्ष्मी, श्री सत्य साई जनरल अस्पताल, प्रशान्ति निलयम-515134, अनंतपुर जिला, आन्ध्रप्रदेश से जुड़ी हैं, इनमें से जो भी कम हो, तक सीमित रहेगी।

[संख्या बी-11016/1/2004-एमई (नीति-I)]

पी. जी. कलाधरण, अवर सचिव

New Delhi, the 23rd March, 2004

S. O. 812.—Whereas medical qualification MBBS granted by Andhra University is a recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) under Section 14 of the said Act;

And Whereas Dr. Dhanwada Vijaya Lakasmi, who possess the said qualification is attached to Sri Sathya Sai General Hospital, Prasanthi Nilayam-515134, Ananthapur Distt., (A.P.), for the purpose of charitable work and not for personal gain;

Now, therefore, in pursuance of clause (c) of Sub-section (1) of the Section 14 of the said Act, the Central Government hereby specifies that the period of practice of medicine by Dr. Dhanwada Vijaya Lakasmi in India shall be limited to :—

(a) a period of one year from 1-1-2004 to 1-1-2005; or

(b) the period during which Dr. Dhanwada Vijaya Lakasmi is attached to Sri Sathya Sai General Hospital Prasanthi Nilayam, Ananthapur Distt., (A.P.), whichever is shorter.

[No. V-11016/1/2004-ME (Policy-I)]

P. G. KALADHARAN, Under Secy.

कृषि मंत्रालय

(कृषि एवं सहकारिता विभाग)

नई दिल्ली, 18 मार्च, 2004

का. आ. 813.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में कृषि एवं सहकारिता विभाग, कृषि मंत्रालय के नियंत्रणाधीन राष्ट्रीय सहकारी प्रशिक्षण परिषद, नई दिल्ली के निम्नलिखित कार्यालयों को जिसके 80% कर्मचारी कुम्ह ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. क्षेत्रीय सहकारी प्रबंध संस्थान,
राष्ट्रीय सहकारी प्रशिक्षण परिषद,
सेक्टर-30, गांधीनगर - 382030
गुजरात
2. क्षेत्रीय सहकारी प्रबंध संस्थान,
राष्ट्रीय सहकारी प्रशिक्षण परिषद,
जिला नाडिया, कल्याणी-741235
पश्चिम बंगाल
3. सहकारी प्रबंध संस्थान,
राष्ट्रीय सहकारी प्रशिक्षण परिषद,
43/16, ए, एरण्डवना, कर्वे रोड,
पूना - 411004, महाराष्ट्र
4. सहकारी प्रबंध संस्थान,
राष्ट्रीय सहकारी प्रशिक्षण संस्थान,
पूजापुरा, पोस्ट बैग नं.-2707
तिरुवनंतपुरम-695012, केरल

[सं. 3-2/2002-हिन्दी नीति]

के. डी. सिन्हा, संयुक्त सचिव

MINISTRY OF AGRICULTURE

(Department of Agriculture and Cooperation)

New Delhi, the 18th March, 2004

S. O. 813.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for Official Purpose of the Union) Rule, 1976, the Central Government hereby notifies the following offices of the National Council for Cooperative Training, New Delhi, under the control of the Department of Agriculture and Cooperation, Ministry of Agriculture, 80% staff whereof have acquired the working knowledge of Hindi :—

1. Regional Institute of Cooperative Management,
National Council for Cooperative Training
Sector - 30, Gandhinagar - 382030,
Gujarat
2. Regional Institute of Cooperative Management,
National Council for Cooperative Training
Distt. Nadia, Kalayani - 741235,
West Bengal
3. Institute of Cooperative Management,
National Council for Cooperative Training
43/16 - A, Erandvan, Karve Road,
Pune - 411004
Maharashtra
4. Institute of Cooperative Management,
National Council for Cooperative Management
Training Pujapura, Post Bag No. 2707,
Thiruvananthapuram - 695012.
Kerala

[No. 3-2/2002-Hindi Neeti]

K. D. SINHA, Jt. Secy.

कोयला मंत्रालय

नई दिल्ली, 29 मार्च, 2004

का. आ. 814.—केन्द्रीय सरकार, को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है;

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र का रेखांक सं. एसईसीएल/बीएसपी/जीएम (पीएलजी/भूमि/282, तारीख 5 दिसम्बर, 2003 का निरीक्षण कलेक्टर, सरगुजा (छत्तीसगढ़) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाऊस स्ट्रीट, कोलकाता-700 001 के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग), सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों की इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, भारसाधक अधिकारी/विभागाध्यक्ष (राजस्व) साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) को भेजेंगे।

अनुसूची

बदौली पी. एस. एल. डब्ल्यू भूमिगत प्रोजेक्ट, भटगांव क्षेत्र जिला-सर्गुजा (छत्तीसगढ़)

रेखांक संख्या-एसईसीएल/बीएसपी/जीएम (पीएलजी)/भूमि/282 दिनांक 5 दिसम्बर 2003 (पूर्वक्षण के लिए अधिसूचना भूमि दर्शाते हुए)

राजस्व भूमि

क्रम संख्या	ग्राम का नाम	ग्राम संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणी
01	कल्यानपुर	48	सूरजपुर	सर्गुजा	125.00	भाग
02	अखोराखुर्द	01	राजपुर	सर्गुजा	090.000	भाग
03	अखोराकला	01	सूरजपुर	सर्गुजा	035.000	भाग
योग :— 250.00 हेक्टर						

वन भूमि

क्रम संख्या	वन का नाम	रेंज	डिवीजन	क्षेत्र हेक्टर में	टिप्पणी
01	आरक्षित वन	अम्बिकापुर	दक्षिण सर्गुजा	430.000	भाग
सफल योग :— 250.000 + 430.000 = 680.000 हेक्टर (लगभग) या 1680.28 एकड़ (लगभग)					

सीमा वर्णन :—

- क-ख रेखा ग्राम कल्यानपुर में बिन्दु "क" से आरम्भ होती है और ग्राम कल्यानपुर, अखोराखुर्द से होकर गुजरती है और बिन्दु "ख" पर मिलती है।
- ख-ग-घ रेखा ग्राम अखोराखुर्द, अखोराकला और आरक्षित वन से होकर गुजरती है और बिन्दु "घ" पर मिलती है।
- घ-क रेखा आरक्षित वन, ग्राम कल्यानपुर से होकर गुजरती है और आरम्भिक बिन्दु "क" पर मिलती है।

[फा. सं. 43015/14/2003-पी.आर.आई.डब्ल्यू]

संजय बहादुर, निदेशक

MINISTRY OF COAL

New Delhi, the 29th March, 2004

S. O. 814.—Whereas it appears to the Central Government that Coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notices of its intention to prospect for coal therein.

The plan of the area bearing Number : SECL/BSP/GM(PLG)/Land/282 dated 5th December, 2003 covered by this notification can be inspected at the office of the Collector, Surguja (Chhattisgarh) or at the office of the Coal Controller, 1 Council House Street, Kolkata-700001 or at the office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495006 (Chhattisgarh).

All persons interested in the land covered by this Notification shall deliver all maps, charts and other documents referred to in Sub-section (7) of Section 13 of the said Act to the Officer-in-Charge or Head of the Department (Revenue), Sourh Eastern Coalfields Limited, Seepat Road, Bilaspur-495006 (Chhattisgarh), within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE**Badauli PSLW under Ground Project Bhatgaon Area****District—Surguja (Chhattisgarh)**

Plan bearing No. SECL/BSP/GM(Plg/Land/282 dated 5th December, 2003 (showing the land notified for prospecting).

REVENUE LAND

Serial number	Name of village	Village number	Tahsil	District	Area in hectares	Remarks
1.	Kalyanpur	48	Surajpur	Surguja	125.000	Part
2.	Akhorakhurd	01	Rajpur	Surguja	090.000	Part
3.	Akhora kala	01	Surajpur	Surguja	035.000	Part

Total : 250.000 hectares

FOREST LAND

Serial number	Name of forest	Range	Division	Area in hectares	Remarks
01	Reserved forest	Ambikapur	South Surguja	430.00	Part

Grand total :—250.000+430.000=680.000 hectares (approxomately) or 1680.28 acres (approximately)

Boundary description :—

A-B Line starts from Point 'A' in village Kalyanpur and passes through villages kalyanpur, Akhorakhurd and meets at point "B"

B-C-D Line passes through village Akhorakhurd, Akhorakala and Rerved Forest and meets point "D"

D-A Line passes through Reserved Forest, Kalyanpur village and meets at the starting point "A".

[File No. 43015/14/2004-PRIW]

SANJAY BAHADUR, Director

नई दिल्ली, 29 मार्च, 2004

का.आ. 815.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है;

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले के लिए पूर्वेक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक सं. एसईसीएल/बीएसपी/जीएम (पीएलजी)/भूमि/276, तारीख 20 नवम्बर, 2003 का निरीक्षण कलेक्टर, सरगुजा (छत्तीसगढ़) के कार्यालय में या कोयला नियंत्रक, 1 काउंसिल हाऊस स्ट्रीट, कोलकाता-700001 के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग), सीपत रोड, बिलासपुर 495006 (छत्तीसगढ़) के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, भारसाधक अधिकारी या विभागाध्यक्ष (राजस्व) साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) को भेजेंगे।

अनुसूची

बिनकरा भूमिगत खदान, विश्रामपुर क्षेत्र

जिला-सरगुजा (छत्तीसगढ़)

रेखांक संख्या-एसईसीएल/बीएसपी/जीएम (पीएलजी)/भूमि/276 तारीख 20 नवम्बर, 2003 (पूर्वक्षण के लिए अधिसूचना भूमि दर्शाते हुए)

क्र. सं.	ग्राम का नाम नाम	ग्राम नम्बर	पटवारी हल्का नं.	तहसील	जिला	क्षेत्र हेक्टेयर में	टिप्पण
1.	गुमगराकला	135	49	अम्बिकापुर	सरगुजा	590.120	भाग
2.	कटकोना	039	49	अम्बिकापुर	सरगुजा	125.150	भाग
3.	बिनकरा	354	49	अम्बिकापुर	सरगुजा	60.250	भाग
4.	बगदरी	327	49	अम्बिकापुर	सरगुजा	21.250	भाग
5.	कन्दरई	027	42	अम्बिकापुर	सरगुजा	20.230	भाग

योग : 817.000 हेक्टेयर (लगभग) या 2018.81 एकड़ (लगभग)

सीमा वर्णन :—

क-ख-ग रेखा ग्राम कन्दरई में बिन्दु "क" से आरम्भ होती है, और ग्राम कन्दरई गुमगराकला, कटकोना, से गुजरते हुए बिन्दु "ग" पर मिलती है।

ग-ख-ड रेखा ग्राम कटकोना, बिनकरा, बगदरी से गुजरते हुए है बिन्दु "ड" पर मिलती है।

ड-च-क रेखा ग्राम बगदरी, कन्दरई से गुजरते हुए आरम्भिक बिन्दु "क" पर मिलती है।

[फा. सं. 43015/11/2003-पी.आर.आई.डब्ल्यू.]

संजय बहादुर, निदेशक

New Delhi, the 29th March, 2004

S.O. 815.—Whereas it appears to the Central Government that Coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan of the area bearing Number : SECL/BSP/GM(Plg)/Land/276 dated 20th November, 2003 covered by this notification can be inspected at the office of the Collector, Surguja (Chhattisgarh) or at the office of the Coal Controller, 1, Council House Street, Kolkata-700001 or at the office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495006 (Chhattisgarh).

All persons interested in the land covered by this Notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer-in-Charge or Head of the Department (Revenue), South Eastern Coalfields Limited, Seepat Road, Bilaspur-495006 (Chhattisgarh), within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE**Binkara Underground project****Bisrampur Area****District—Surguja (Chhattisgarh)**

Plan bearing No. SECL/BSP/GM(PLG)/Land/276 dated 20th November, 2003, (Showing the land notified for prospecting).

Sl. No.	Name of village	Village number	Patwari halka number	Tahsil	District	Area in hec.	Remarks
1.	Gumgarakala	135	49	Ambikapur	Surguja	590.120	Part
2.	Katkona	0.39	49	Ambikapur	Surguja	125.150	Part
3.	Binkara	354	49	Ambikapur	Surguja	060.250	Part
4.	Bagdarri	327	49	Ambikapur	Surguja	021.250	Part
5.	Kandrai	027	42	Ambikapur	Surguja	020.230	Part

Total : 817.000 hectares (approximately) or 2018.81 acres (approximately)

Boundary description :—

A-B-C Line starts from Point 'A' in village Kandrai and passes through villages Kandrai, Gumgarakata, Katkona and meets at point "C".

C-D-E Line passes through village Katkona, Binkara, Bagdarri and meets at point "E".

E-F-A Line passes through village Bagdarri, Kandrai and meets at the starting point "A".

[File No. 43015/11/2003-PRIW]

SANJAY BAHADUR, Director

नई दिल्ली, 29 मार्च, 2004

का.आ. 816.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है;

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले के लिए पूर्वेक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र का जिसका रेखांक सं. डीजी/08580, तारीख 17 दिसम्बर, 2003 है; निरीक्षण मुख्यालय महाप्रबंधक (खोज प्रभाग) केन्द्रीय खान योजना और डिजाइन संस्थान, गोंडवाना प्लेस, कांके रोड, रांची के कार्यालय में या कोयला नियंत्रक, 1, काँसिल हाउस स्ट्रीट कोलकाता के कार्यालय में या जिला कलेक्टर, जिला अंगुल, उड़ीसा के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, मुख्य महाप्रबंधक (खोज प्रभाग) केन्द्रीय खान योजना और डिजाइन संस्थान, गोंडवाना प्लेस, कांके रोड, रांची को भेजेंगे।

अनुसूची

पत्रापदा ब्लाक, तलचर कोलफील्ड

जिला-अंगुल (उड़ीसा)

रेखांक संख्या-डी जी/08580, तारीख 17 दिसम्बर, 2003

क्र. सं.	ग्राम	थाना	पी. एस.	तहसील	उपखंड	जिला	क्षेत्र (एकड़) (लगभग)	क्षेत्र (हेक्टर) (लगभग)	टिप्पणी
1.	पत्रापारा जंगल	छेंदीपाड़ा	11	छेंदीपाड़ा	अंगुल	अंगुल	168.63	68.24	भाग
2.	पत्रापारा	छेंदीपाड़ा	17	छेंदीपाड़ा	अंगुल	अंगुल	1547.48	626.26	भाग
3.	पीपलबहल	छेंदीपाड़ा	13	छेंदीपाड़ा	अंगुल	अंगुल	565.42	228.82	भाग
योग—2281.53 एकड़ (लगभग) या 923.32 हेक्टर (लगभग)									

सीमा वर्णन :—

- क-ख रेखा पत्रापारा जंगल के बिन्दु "क" से आरम्भ होती है और ग्राम पत्रापारा से होकर गुजरती है तथा ग्राम पीपलबहल पर बिन्दु "ख" पर मिलती है।
- ख-ग रेखा ग्राम पीपलबहल होकर गुजरती है और दक्षिण में बिन्दु "ग" पर मिलती है।
- ग-घ रेखा ग्राम पीपलबहल और पत्रापारा से होकर गुजरती है और ग्राम पत्रापारा के दक्षिण पश्चिमी किनारे पर "घ" बिन्दु पर मिलती है।
- घ-क रेखा पत्रापारा और पत्रापारा जंगल से होकर उत्तर तक जाती है और "क" बिन्दु पर मिलती है।

[फा. सं. 43015/5/2004-पी.आर.आई.डब्ल्यू.]

संजय बहादुर, निदेशक

New Delhi, the 29th March, 2004

S.O. 816.—Whereas it appears to the Central Government that Coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing number DG/08580 dt. 17th December, 2003 of the area covered by this notification can be inspected at the office of Chief General Manager (Exploration Division), Central Mine Planning and Design Institute, Gondwana Place, Kanke Road, Ranchi or at the office of the Coal Controller, 1, Council House Street, Kolkata or at the office of the Deputy Collector, District Angul, Orissa.

All persons interested in the land covered by this Notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Chief General Manager (Exploration Division), Central Mine Planning and Design Institute, Gondwana Place, Kanke Road, Ranchi within ninety days from the date of publication of this notification.

SCHEDULE

Patrapada Block, Talcher Coalfield

District Angul, Orissa

(Plan bearing No. DG/08580 dated 17th December, 2003)

Sl. No.	Village	Thana	P.S. No.	Tahsil	Sub-Divn. District	Area (acres) (approximately)	Area (hectares) (approximately)	Remarks
1.	Patrapara Jungle	Chhendipada	11	Chhendipada	Angul	168.63	68.24	Part
2.	Patrapada	Chhendipada	17	Chhendipada	Angul	1547.48	626.26	Part
3.	Pipalbahal	Chhendipada	13	Chhendipada	Angul	565.42	228.82	Part

Total : 2281.53 acres (approximately) 923.32 hectares (approximately)

Boundary description :—

- A-B Line starts from Point 'A' in Patrapara Jungle and passes through village Patrapada and meets point 'B' at village Pipalbahal.
- B-C Line passes through village Pipalbahal and meets point 'C' in the south.
- C-D Line passes through villages Pipalbahal and Patrapada and meets point 'D' at the south-western corner of village Patrapada.
- D-A Line passes through village Patrapada and Patrapara jungle to the north and meets point 'A'.

[File No. 43015/5/2004-PRIW]

SANJAY BAHADUR, Director

नई दिल्ली, 29 मार्च, 2004

का.आ. 817.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है;

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले के लिए पूर्वेक्षण करने का अपने आशय की सूचना देती है।

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक सं. डीजी/08581, तारीख 17 दिसम्बर, 2003 है, निरीक्षण मुख्यालय महाप्रबंधक (खोज प्रभाग) केन्द्रीय खान योजना और डिजाइन संस्थान, गोंडवाना प्लेस, कांके रोड, रांची के कार्यालय में या कोयला नियंत्रक, 1, काँसिल हाउस स्ट्रीट, कोलकाता के कार्यालय में या जिला कलेक्टर, जिला अंगुल, उड़ीसा के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, मुख्य महाप्रबंधक (खोज प्रभाग) केन्द्रीय खान योजना और डिजाइन संस्थान, गोंडवाना प्लेस, कांके रोड, रांची को भेजेंगे।

अनुसूची

राधिकापुर ब्लाक, तलचर कोलफील्ड

जिला-अंगुल (उड़ीसा)

(रेखांक संख्या-डी जी/08581, तारीख 17 दिसम्बर, 2003)

क्र. सं.	ग्राम	थाना	पी० एस० संख्या	तहसील	उपखंड	जिला	क्षेत्र (एकड़) (लगभग)	क्षेत्र (हेक्टर) (लगभग)	टिप्पणी
1.	नाउपाड़ा	झारपाड़ा	5	छेंदीपाड़ा	अंगुल	अंगुल	694.38	281.01	भाग
2.	कुसकिला जंगल	झारपाड़ा	4	छेंदीपाड़ा	अंगुल	अंगुल	486.07	196.70	पूर्ण
3.	पुटगोरिया	झारपाड़ा	6	छेंदीपाड़ा	अंगुल	अंगुल	168.63	68.24	भाग
4.	कुसकिला	झारपाड़ा	130	छेंदीपाड़ा	अंगुल	अंगुल	813.42	329.18	भाग
5.	बारापाड़ा	छेंदीपाड़ा	117	छेंदीपाड़ा	अंगुल	अंगुल	743.98	301.08	भाग
6.	सिंटीपाल	छेंदीपाड़ा	118	छेंदीपाड़ा	अंगुल	अंगुल	1170.53	473.70	भाग
7.	गोपीनाथ पुर जंगल	छेंदीपाड़ा	119	छेंदीपाड़ा	अंगुल	अंगुल	148.79	60.21	भाग
8.	झिंटीपाल	छेंदीपाड़ा	120	छेंदीपाड़ा	अंगुल	अंगुल	39.67	16.05	भाग
योग—4265.53 एकड़ (लगभग) या 1726.17 हेक्टर (लगभग)									

सीमा वर्णन :—

- क-ख रेखा सिंगडा सोर के दक्षिणी किनारे पर "क" से आरम्भ होती है और ग्राम कोसाला के दक्षिण पश्चिमी किनारे पर कोसाला और गोपीनाथपुर ग्राम की सीमाओं के जंक्शन पर बिन्दु "ख" पर मिलती है।
- ख-ग रेखा गोपीनाथपुर जंगल झिंटीपाल गांव के उत्तरी पूर्वी भाग से होकर गुजरती है और झिंटीपाल जंगल में बिन्दु "ग" पर मिलती है।
- ग-क रेखा झिंटीपाल ग्राम, पुटगोरिया गांव के उत्तरी भाग और नाउपाड़ा ग्राम से होकर गुजरती है और सिंगडा झोर के दक्षिणी किनारे पर "क" बिन्दु पर मिलती है।

[फा. सं. 43015/6/2004-पी.आर.आई.डब्ल्यू.]

संजय बहादुर, निदेशक

New Delhi, the 29th March, 2004

S.O. 817.—Whereas it appears to the Central Government that Coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing number DG/08581 dated 17th December, 2003 of the area covered by this notification can be inspected at the office of Chief General Manager (Exploration Division), Central Mine Planning and Design Institute, Gondwana Place, Kanke Road, Ranchi or at the office of the Coal Controller, 1, Council House Street, Kolkata or at the office of the District Collector, District Angul, Orissa.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in Sub-section (7) of Section 13 of the said Act to the Chief General Manager (Exploration Division), Central Mine Planning and Design Institute, Gondwana Place, Kanke Road, Ranchi within ninety days from the date of publication of this notification.

SCHEDULE**Radhikapur Block, Talcher Coalfield****District Angul, Orissa**

(Plan bearing No. DG/08581 dated 17th December, 2003)

Sl. No.	Village	Thana	P.S. No.	Tahsil	Sub-Divn.	District	Area (acres) (approx.)	Area (hectares) (approx.)	Remarks
1.	Naupada	Jharpada	5	Chhendipada	Angul	Angul	694.38	281.01	Part
2.	Kuskila Jungle	Jharpada	4	Chhendipada	Angul	Angul	486.07	196.70	Full
3.	Putagoria	Jharpada	6	Chhendipada	Angul	Angul	168.63	68.24	Part
4.	Kuskila	Jharpada	130	Chhendipada	Angul	Angul	813.42	329.18	Part
5.	Barapada	Chhendipada	117	Chhendipada	Angul	Angul	743.98	301.08	Part
6.	Jhintipal	Chhendipada	118	Chhendipada	Angul	Angul	1170.53	473.70	Part
7.	Gopinathpur	Chhendipada	119	Chhendipada	Angul	Angul	148.79	60.21	Part
8.	Jhintipal Jungle	Chhendipada	120	Chhendipada	Angul	Angul	39.67	16.05	Part
TOTAL :							4265.53 (Approx.)	1726.17 (Approx.)	

Boundary description :—

- A-B Line starts from Point 'A' in the Southern bank of singda Jhore and meets point B at the junction of boundaries of villages Kosala and Gopinathpur Jungle at the South-western corner of village kosala.
- B-C Line passes through Gopinathpur jungle, North-eastern part of Jhintipal village and meets point 'C' at Jhintipal Jungle.
- C-A Line passes thorough southern part of village Jhintipal, northern part of village Putagoria and village Naupada and meets point 'A' at the southern bank of Singhda Jhore.

[File No. 43015/6/2004-PRIW]

SANJAY BAHADUR, Director

नई दिल्ली, 29 मार्च, 2004

का.आ. 818.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है;

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले के लिए पूर्वेक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अन्तर्गत आने वाली रेखांक सं. एसईसीएल/बीएसपी/जीएम (पीएलजी)/भूमि/277, तारीख 20 नवम्बर, 2003 का निरीक्षण कलेक्टर, सरगुजा (छत्तीसगढ़) के कार्यालय में या कोयला नियंत्रक, 1 कार्डसिल हाऊस स्ट्रीट, कोलकाता 700 001 के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग), सीपत रोड, बिलासपुर 495 006 (छत्तीसगढ़) के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि से हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, भारसाधक अधिकारी या विभागाध्यक्ष (राजस्व) साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) को भेजेंगे।

अनुसूची

आमगांव खुली खदान परियोजना, विश्रामपुर क्षेत्र

जिला-सरगुजा (छत्तीसगढ़)

(रेखांक संख्या-एसईसीएल/बीएसपी/जीएम (पीएलजी)/भूमि/276 तारीख 20 नवम्बर, 2003 (पूर्वक्षण के लिए अधिसूचना भूमि दर्शाते हुए)

क्र. सं.	ग्राम का नाम	ग्राम नम्बर	पटवारी हल्का नं.	तहसील	जिला	क्षेत्र हेक्टेयर में	टिप्पण
1.	आमगांव	09	65	सुरजपुर	सरगुजा	125.200	भाग
2.	पटना	350	66	सुरजपुर	सरगुजा	610.100	भाग
3.	साल्ही	432	66	सुरजपुर	सरगुजा	430.110	भाग
4.	कोट	077	65	सुरजपुर	सरगुजा	100.250	भाग
5.	चन्द्रपुर	346	65	सुरजपुर	सरगुजा	020.310	भाग

योग : 1285.970 हेक्टेयर (लगभग) या 3177.63 एकड़ (लगभग)

सीमा वर्णन :—

- क-ख-ग रेखा ग्राम चन्द्रपुर में बिन्दु "क" से आरम्भ होती है, और ग्राम चन्द्रपुर कोट, आमगांव, साल्ही से गुजरती है बिन्दु "ग" पर मिलती है।
- ग-घ-ङ-च रेखा ग्राम साल्ही से, बाद में ग्राम साल्ही पूर्वी सीमा के साथ गुजरती हुई और पुनः ग्राम साल्ही से होते हुए बिन्दु "च" पर मिलती है।
- च-छ-ज-क रेखा ग्राम साल्ही, पटना और चन्द्रपुर से गुजरते हुए आरम्भिक बिन्दु "क" पर मिलती है।

[फा. सं. 43015/13/2003-पी.आर.आई.डब्ल्यू.]

संजय बहादुर, निदेशक

New Delhi, the 29th March, 2004

S.O. 818.—Whereas it appears to the Central Government that Coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing Number : SECL/BSP/GM(PLG)/Land/277 dated 20th November, 2003 of the area covered by this notification can be inspected at the office of the Collector, Surguja (Chhattisgarh) or at the office of the Coal Controller, 1, Council House Street, Kolkata-700 001 or at the office of the (South Eastern Coalfields Limited) Revenue Section, Seepat Road, Bilaspur-495 006 (Chhattisgarh).

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in Sub-section (7) of Section 13 of the said Act to the Officer-in-Charge or Head of the Department (Revenue), South Eastern Coalfields Limited, Seepat Road, Bilaspur-495006 (Chhattisgarh), within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE
Amagaon Open Cast Project
Bisrampur Area
District—Surguja (Chhattisgarh)

Plan bearing No. SECL/BSP/GM(PLG)/Land/277 dated 20th November, 2003, (Showing the land notified for prospecting)

Sl. No.	Name of village	Village number	Patwari halka number	Tahsil	District	Area in hectares.	Remarks
1.	Amgaon	09	65	Surajpur	Surguja	125.200	Part
2.	Patna	350	66	Surajpur	Surguja	610.100	Part
3.	Salhi	432	66	Surajpur	Surguja	430.110	Part
4.	Kote	077	65	Surajpur	Surguja	100.250	Part
5.	Chandarpur	346	65	Surajpur	Surguja	020.310	Part
Total :-		1285.970 hectares (approximately) or 3177.63 acres (approximately)					

Boundary description :—

- A-B-C Line starts from 'A' in village Chandarpur and passes through villages Chandarpur, Kote, Amgaon, Salhi and meets at point "C".
- C-D-E-F Line passes through village Salhi then along the eastern boundary of Salhi village, again through Salhi village and meets at point "F".
- F-G-H-A Line passes through villages Salhi, Patna and Chandarpur and meets at the starting point "A".

[File No. 43015/13/2003-PRIW]

SANJAY BAHADUR, Director

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 15 मार्च, 2004

का०आ० 819.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्यांक का०आ० 938(अ), तारीख, 19 अगस्त, 2003, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, गुजरात राज्य में राष्ट्रीय गैस ग्रिड परियोजना के अधीन दहेज-हजीरा-उरान-धाबोल पाइपलाइन सेक्टर के माध्यम से प्राकृतिक गैस के परिवहन के लिए गेल (इंडिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाने के लिए, उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 08, सितम्बर, 2003 से 18 सितम्बर, 2003 तक उपलब्ध करा दी गई थी;

और उक्त पाइपलाइन बिछाने के सम्बन्ध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उस भूमि में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने के बजाए, पाइपलाइन बिछाने का प्रस्ताव करने वाली गेल (इंडिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त, गेल (इंडिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नंबर	उ.का.अ. के लिए अर्जित की जाने वाली भूमि (हेक्टेयर में)
1	2	3	4	5
भरुच	अंकलेश्वर	13 : भाटीओड	842	0-04-67
			546	0-32-04
			547	0-36-91
			नाला	0-04-90
			690	0-14-75
			689	0-06-63
			688	0-10-48
			687	0-10-70
			639	0-01-93
			643	0-01-36
			686	0-28-16
			685	0-11-39
			684	0-02-04
			682/अ-ब	0-11-21
			683	0-77-01
			कारट्रेक	0-01-41
			671	0-04-98
			670	02-14-62
			835	0-00-92
			666	0-18-89
			806	0-28-22
			807	0-12-03
			808	0-10-27
			809	0-00-07
			820	0-96-11
			खाड़ी	0-03-11
			824	0-23-29
			825	0-04-56
			कारट्रेक	0-02-11
			194	0-16-00
			193	0-00-17
			179	0-25-64
			152	0-01-89

1	2	3	4	5
			153	0-33-53
भरुच	अंकलेश्वर	13 : लाटीओड	खाडी	0-09-15
			155	0-92-64
			कारट्रेक	0-01-26
			157	0-24-06
			175	0-37-42
			174	0-00-66
			172/अ-ब-क	0-26-71
			170	0-21-58
			165	0-23-71
			164	0-23-66
			163	0-47-47
			167	0-04-81
			कुल	10-65-14
भरुच	हांसोट	15 : दिगस	गौचर लेन्ड	0-07-47
			587	0-25-19
			588	0-24-95
			607	0-46-65
			608/अ	0-04-25
			केनाल	0-06-77
			608/अ-ब	0-27-84
			645	0-23-09
			644	0-27-00
			641	0-31-90
			643	0-16-37
			642	0-07-07
			नाला	0-07-17
			620	0-11-05
			कारट्रेक	0-08-32
			525	0-36-63
			526	0-08-60
			524	0-12-53
			523	0-13-30
			523/पैकी	

1	2	3	4	5
भरुच	हांसोट	15 : दिगस	522	0-15-75
			520	0-36-57
			505	0-15-25
			504	0-14-63
			502	0-14-91
			501	0-32-38
			सब-माइनोर केनाल	0-07-59
			495	01-00-32
			472	0-00-69
			371	0-05-90
			462	0-03-86
			461	0-00-35
			459	0-18-93
			184	0-11-89
			185/अ	0-49-97
			190	0-76-65
			191	0-20-19
			197	0-00-26
			198	0-55-75
			208	0-19-14
			217-अ	0-48-78
			2-अेल. आर माइनोर	0-04-69
			217-ब	0-20-74
			243	0-11-06
			244	0-10-80
			247	0-09-52
			248	0-15-74
			249	0-40-42
			301-अ	0-07-40
			मांगरोल डीस्ट्रीब्युटरी	0-06-59
			301-ब	0-01-46
			302-ब	0-09-58
			300	0-04-54
			311	0-19-59
			312	0-30-08

1	2	3	4	5
भरुच	हांसोट	15 : दिगस	309	0-00-59
			314	0-23-22
			315	0-41-53
			316	0-01-38
			319	0-20-68
			318	0-23-25
			322	0-11-40
			345	0-16-49
			344	0-40-62
			343	0-02-10
			342	0-15-04
			357	0-19-94
			358	0-14-28
			341	0-32-99
			336	0-25-76
			362	0-07-72
			कुल	13-80-11
भरुच	हांसोट	16 : कलम	28 अेल	0-08-01
			55-अ	0-44-35
			57	0-00-31
			रोड	0-12-75
			53	0-56-35
			5	0-26-89
			61	0-00-10
			62	0-45-03
			इ. अेल. स्केप माइनोर केनाल	0-01-95
			67 : अ	0-23-17
			तलवा माइनोर	0-03-34
			67-ब	0-31-50
			76-अ-ब	0-04-66
			92	01-10-19
			93	0-02-35
			84-अ	0-22-98
			86-अ	0-33-06
			रायमा-डीस्टरी	0-13-44
			कुल	04-40-43

1-	2	3	4	5
भरुच	भरुच	8 : केसरोल	139/पैकी	
			139/पैकी	3-96-92
			266	0-28-67
			267	0-09-07
			265	0-17-56
			268	0-03-29
			269	0-01-01
			कुल	04-56-52
भरुच	अंकलेस्वर	12 : भुतुरीया	351 गवर्मेन्ट लेन्ड	02-84-37
			383	0-28-04
			381	0-14-62
			373	0-35-05
			372	0-26-26
			371	0-02-10
			338	0-48-53
			331	0-16-25
			330	0-71-01
			318	0-36-87
			320	0-07-42
			319	0-43-56
			322	0-05-20
			434	0-00-72
			296/1	0-39-57
			296/2अ-ब	0-09-46
			280/अ-ब	0-37-18
			281/2-अ-ब	0-16-46
			283	0-21-00
			285/अ-ब	0-22-08
			286/अ-ब	0-08-85
			284	0-23-89
			175/3	0-30-61
			कारट्रेक	0-01-35
			176	0-36-65
			177/1	0-02-99

1	2	3	4	5
भरुच	अंकलेस्वर	12 : घंतुरीया	179/1	0-25-30
			179/2	0-12-06
			कारट्रेक	0-01-93
			137/अ-ब	0-00-43
			134/अ-ब	0-19-06
			133/अ-ब	02-25-48
			92/ब-2	0-30-23
			91/ब	0-13-67
			91/अ	0-00-14
			93/1	0-16-28
			90/अ-ब	0-13-09
			89	0-16-94
			63	0-28-58
			64	0-01-75
			60/2	0-09-19
			55	0-01-28
			54	0-50-51
			कारट्रेक	0-02-65
			18/1	0-20-34
			18/2	0-04-82
			43/1	
			43/2	0-04-44
			44	0-12-37
			कारट्रेक	0-07-48
			20	0-03-75
			42/1	0-62-41
			42/2	0-19-38
			42/3	0-06-55
			42/4	0-00-17
			कारट्रेक	0-04-19
			22/2	0-00-54
			23/1-2	0-51-76
			24	0-06-09
			25/1	0-30-00
			26/1	0-13-06
			26/2	0-24-51

1	2	3	4	5
भरुच	अंकलेस्वर	12 : घंतुरीया	27	0-15-70
			कारट्रेक	0-02-55
			26/3	0-03-31
			कुल	14-32-08
भरुच	हांसोट	17 : रोहीद	525/अ	0-05-07
			523	0-64-54
			522	0-16-68
			520	0-16-74
			517	0-03-73
			518	0-00-18
			516	0-53-66
			515/अ	0-16-24
			रोहीद-माइनोर	0-15-07
			515/ब	0-09-72
			514	0-27-20
			513/अ	0-39-14
			511	0-04-22
			552	0-39-24
			553	0-47-69
			362	0-63-94
			बी.बी.एम.रोड	0-04-56
			ए.एस. रोड	0-06-30
			264/अ	0-20-37
			नाला	0-05-13
			263	0-00-01
			266	0-49-58
			268	0-41-59
			258	0-00-52
			257	0-36-50
			256/अ	0-12-10
			3-एल. आर. माइनोर	0-04-85
			256/ब	0-02-28
			कारट्रेक	0-11-88
			252	0-04-32
			253	0-29-94
			254	0-13-96
			कुल	06-66-65
भरुच	हांसोट	19 : परवट	418/ब	0-00-21
			408	0-04-57
			409	0-19-32

1	2	3	4	5
भरुच	हांसोट	19 : परबट	418/अ	0-33-34
			410/ब	0-14-67
			411	0-23-83
			412	0-05-91
			वोलीन्यर माइनोर	0-09-36
			291	0-34-16
			कारट्रेक	0-08-41
			304	0-01-04
			305	0-76-62
			306	0-00-67
			318	0-34-30
			317	0-21-57
			321	0-22-36
			323	0-59-90
			322	0-06-31
			328	0-19-72
			कारट्रेक	0-06-64
			370	0-17-94
			368	0-36-39
			365	0-40-51
			364	0-35-24
			366	0-16-93
			360	0-23-43
			362	0-50-21
			कारट्रेक	0-06-03
			342	0-62-56
			343	0-04-70
			सासदरा डिस्ट्रीक	0-07-86
			कोसंबा ब्रांच	0-11-67
			प्ररटडिस्ट्रीक	0-07-38
			188	0-19-26
			183	0-04-22
			184	0-05-22
			186	0-33-37
			187	0-19-73
			198	0-50-54
			205	0-53-17
			206	0-20-36
			2/एल-माइनोर	0-15-33
			179	0-09-46

1	2	3	4	5
भरुच	हांसोट	19 : परवट	178	0-33-74
			177	0-19-43
			176	0-16-11
			174	0-14-15
			रोड	0-07-87
			ड्रेन	0-02-90
			173	0-06-63
			कुल	10-55-25
भरुच	हांसोट	20 : सृण्वकल्ला	520	0-10-10
			532	0-23-73
			533/1-2	0-28-57
			534	0-44-69
			535	0-00-53
			536	0-21-77
			538/1	0-00-12
			537/1-2	0-35-43
			549	0-09-19
			नाला	0-01-45
			547	0-06-04
			542	0-00-56
			543	0-34-66
			632	0-70-32
			634	0-01-55
			कुल	3-30-64
भरुच	हांसोट	22 : ओभा	101	0-32-77
			100	0-00-76
			कारट्रेक	0-02-94
			99	0-02-42
			98	0-17-37
			97	0-01-14
			कुल	0-57-40
भरुच	हांसोट	18 : कुडादरा	135/ब	0-13-46
			144	0-00-01
			143/ब-1	0-16-60
			143/अ-1	0-25-59
			136/ब	0-02-45
			रोड	0-06-63
			143/ब-2	0-04-09
			138	0-16-56
			139	0-13-07

1	2	3	4	5
भरूच	हांसोट	18 : कुडादरा	137	0-15-08
			134	0-02-40
			133	0-30-24
			132	0-01-01
			वान्ड-खाडी	0-21-22
			82	0-14-68
			81	0-06-75
			83	0-03-78
			86	0-16-06
			87	0-02-80
			85	0-38-76
			97	0-18-83
			98	0-11-70
			वी.बी.अम रोड	0-01-58
			101	0-00-24
			96/अ-ब	0-54-84
			95	0-01-27
			93	0-08-28
			94	0-31-33
			92	0-26-38
			107	0-01-10
			109	0-18-94
			कुल	4-25-73

[फाइल सं. एल-14014/12/03-जी.पी.]

स्वामी सिंह, निदेशक

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 15th March., 2004

S.O. 938(E).—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 938(E) dated the 19th August, 2003, issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of natural gas through Dahej - Hazira - Uran - Dhabol Pipeline Sector under National Gas Grid Project in the State of Gujarat, a pipeline should be laid by the GAIL (India) Limited;

And whereas copies of the said Gazette notifications were made available to the public from 8th September, 2003 to 18th September, 2003;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority;

And whereas the competent authority has, under Sub-section (1) of Section 6 of the said Act, submitted its report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipelines, has decided to acquire the right of user therein.

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipelines shall, instead of vesting in the Central Government, vest, on the date of the publication of the declaration, in the GAIL (India) Limited, proposing to lay the pipelines and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in the GAIL (India) Limited, free from all encumbrances.

SCHEDULE

Distt.	Tehsil	Village	Survey No./ Block No.	Land to be acquired for R.O.U. in Hectares
1	2	3	4	5
BHARUCH	ANKLESHWAR	(10) MATIAD	842	0-04-67
			546	0-32-04
			547	0-36-91
			NALA	0-04-90
			690	0-14-75
			689	0-06-63
			688	0-10-48
			687	0-10-70
			639	0-01-93
			643	0-01-36
			686	0-28-16
			685	0-11-39
			684	0-02-04
			682/A-B	0-11-21
			683	0-77-01
			C.T.	0-01-41
			671	0-04-98
			670	2-14-62
			835	0-00-92
			666	0-18-89
			806	0-28-22
			807	0-12-03
			808	0-10-27
			809	0-00-07
			820	0-96-11
			KHADI	0-03-11
			824	0-23-29
			825	0-04-56
			C.T.	0-02-11
			194	0-16-00
			193	0-00-17
			179	0-25-64
			152	0-01-89
			153	0-33-53
			KHADI	0-09-15

1	2	3	4	5
BHARUCH	ANKLESHWAR	(10) MATIAD	155	0-92-64
			C.T.	0-01-26
			157	0-24-06
			175	0-37-42
			174	0-00-66
			172/A-B-C	0-26-71
			170	0-21-58
			165	0-23-71
			164	0-23-66
			163	0-47-47
			167	0-04-81
			TOTAL	10-65-14
			GAUCHER GOVT.	
			LAND	0-07-47
BHARUCH	HANSOT	(12) DIGAS	587	0-25-19
			588	0-24-95
			607	0-46-65
			608/A	0-04-25
			CANAL	0-06-77
			608/A-B	0-27-84
			645	0-23-09
			644	0-27-00
			641	0-31-90
			643	0-16-37
			642	0-07-07
			NALA	0-07-17
			620	0-11-05
			C.T.	0-08-32
			525	0-36-63
			526	0-08-60
			524	0-12-53
			523	
			523/P }	0-13-30
			522	0-15-75
			520	0-36-57
			505	0-15-25
			504	0-14-63
			502	0-14-91
			501	0-32-38
			SUB-MINOR	0-07-59
			495	1-00-32
			472	0-00-69
			371	0-05-90
			462	0-03-86

1	2	3	4	5
BHARUCH	HANSOT	(12) DIGAS	461	0-00-35
			459	0-18-93
			184	0-11-89
			185/A	0-49-97
			190	0-76-65
			191	0-20-19
			197	0-00-26
			198	0-55-75
			208	0-19-14
			217/A	0-48-78
			2-L-MINOR	0-04-69
			217/B	0-20-74
			243	0-11-06
			244	0-10-80
			247	0-09-52
			248	0-15-74
			249	0-40-42
			30 I/A	0-07-40
			MANGROL-	
			DISTIBUTOHY	0-06-59
			301/B	0-01-46
			302/B	0-09-58
			300	0-04-54
			311	0-19-59
			312	0-30-08
			309	0-00-59
			314	0-23-22
			315	0-41-53
			316	0-01-38
			319	0-20-68
			318	0-23-25
			322	0-11-40
			345	0-16-49
			344	0-40-62
			343	0-02-10
			342	0-15-04
			357	0-14-94
			358	0-14-28
			341	0-32-99
			336	0-25-76
			362	0-07-72
			TOTAL	13-80-11
BHARUCH	HANSOT	(13) KALAM	28/F	0-08-01
			55/A	0-44-35
			57	0-00-31
			ROAD	0-12-75

1	2	3	4	5
BHARUCH	HANSOT	(13) KALAM	53	0-56-35
			5	0-26-89
			61	0-00-10
			62	0-45-03
			ESCAPE MINOR	0-01-95
			67/A	0-23-17
			TELWA-MINOR	0-03-34
			67/B	0-31-50
			76/A-B	0-04-66
			92	1-10-19
			93	0-02-35
			84-A	0-22-98
			86/A	0-33-06
			RAYMA DISTRY	0-13-44
			TOTAL	4-40-43
BHARUCH	BHARUCH	(5) KESHROL	139/p	3-96-92
			139/p	
			266	0-28-67
			267	0-09-07
			265	0-17-56
			268	0-03-29
			269	0-01-01
			TOTAL	4-56-52
BHARUCH	ANKLESHWAR	(9) DHANTURIYA	351	2-84-37
			383	0-28-04
			381	0-14-62
			373	0-35-05
			372	0-26-26
			371	0-02-10
			338	0-48-53
			331	0-16-25
			330	0-71-01
			318	0-36-87
			320	0-07-42
			319	0-43-56
			322	0-05-20
			434	0-00-72
			296/1	0-39-57
			296/2-A-B	0-09-46
			280/A-B	0-37-18
			281/2-A-B	0-16-46
			283	0-21-00
			285/A)	0-22-08
			285/B)	
			286/A-B	0-08-85

1	2	3	4	5
BHARUCH	ANKLESHWAR	(9) DHANTURIYA	284	0-23-89
			175/3	0-30-61
			CTR	0-01-35
			176	0-36-65
			177-1	0-02-99
			179/1	0-25-30
			179/2	0-12-06
			CTR	0-01-93
			137/A-B	0-00-43
			134/A-B	0-19-06
			133/A-B	0-25-48
			92/B-2	0-30-23
			91/B	0-13-67
			91/A	0-00-14
			93/1	0-16-28
			90/A-B	0-13-09
			89	0-16-94
			63	0-28-58
			64	0-01-75
			60/2	0-09-19
			55	0-01-28
			54	0-50-51
			CTR	0-02-65
			18/1	0-20-34
			18/2	0-04-82
			43/1-2	0-04-44
			44	0-12-37
			CTR	0-07-48
			20	0-03-75
			42/1	0-62-41
			42/2	0-19-38
			42/3	0-06-55
			42/4	0-00-17
			CTR	0-04-19
			22/2	0-00-54
			23/1-2	0-51-76
			24	0-06-09
			25/1	0-30-00
			26/1	0-13-06
			26/2	0-24-51
			27	0-15-70
			CTR	0-02-55
			26/3	0-03-31
			TOTAL	14-32-08
BHARUCH	HANSOT	(14) RDHLD	525/A	0-05-07
			523	0-64-54

1	2	3	4	5
BHARUCH	HANSOT	(14) ROHID	522	0-16-68
			520	0-16-74
			517	0-03-73
			518	0-00-18
			516	0-53-66
			515/A	0-16-24
			ROHID-MINOR	0-15-07
			515/B	0-09-72
			514	0-27-20
			513/A	0-39-14
			511	0-04-22
			552	0-39-24
			553	0-47-69
			362	0-63-94
			WBM ROAD	0-04-56
			A. S. ROAD	0-06-30
			264/A	0-20-37
			NALA	0-05-13
			263	0-00-01
			266	0-49-58
			268	0-41-59
			258	0-00-52
			257	0-36-50
			256/A	0-12-10
			3-L-Minor	0-04-85
			256/B	0-02-28
			CTR	0-11-88
			252	0-04-32
			253	0-29-94
			254	0-13-96
			TOTAL	6-66-65
		(16) PARVAT	418/B	0-00-21
			408	0-04-57
			409	0-19-32
			418/A	0-33-34
			410/B	0-14-67
			411	0-23-83
			412	0-05-91
			WALNER MINOR	0-09-36
			291	0-34-16
			CTR	0-08-41
			304	0-01-04
			305	0-76-62
			306	0-00-67
			318	0-34-30
			317	0-21-57

1	2	3	4	5
BHARUCH	HANSOT	(16) PARVAT	321	0-22-36
			323	0-59-90
			322	0-06-31
			328	0-19-72
			CTR	0-06-64
			370	0-17-94
			368	0-36-39
			365	0-40-51
			364	0-35-24
			366	0-16-93
			360	0-23-43
			362	0-50-21
			CTR	0-06-03
			342	0-62-56
			343	0-04-70
			SISADARA	
			DIST.	0-07-86
			KOSAMBA BR.	0-11-67
			PARVAT DIST.	0-07-38
			188	0-19-26
			183	0-04-22
			184	0-05-22
			186	0-33-37
			187	0-19-73
			198	0-50-54
			205	0-53-17
			206	0-20-36
			2L MINOR	0-15-33
			179	0-09-46
			178	0-33-74
			177	0-19-43
			176	0-16-11
			174	0-14-15
			ROAD	0-07-87
			DRAIN	0-02-90
			173	0-06-63
			TOTAL	10-55-25
		(17) SUNEVKALLA	520	0-10-10
			532	0-23-73
			533/1-2	0-28-57
			534	0-44-69
			535	0-00-53
			536	0-21-77
			538/1	0-00-12
			537/1-2	0-35-43
			549	0-09-19
			NALA	0-01-45
			547	0-06-04

1	2	3	4	5
BHARUCH	HANSOT	(17) SUNEVKALLA	542	0-00-56
			543	0-34-66
			632	0-70-32
			634	0-01-55
			TOTAL	3-30-64
		(19) OBHA	101	0-32-77
			100	0-00-76
			CTR	0-02-94
			99	0-02-42
			98	0-17-37
			97	0-01-14
			TOTAL	0-57-40
		(15) KUDADARA	135/B	0-13-46
			144	0-00-01
			143/B-1	0-16-60
			143/A-1	0-25-59
			136/B	0-02-45
			ROAD	0-06-63
			143/B-2	0-04-09
			138	0-16-56
			139	0-13-07
			137	0-15-08
			134	0-02-40
			133	0-30-24
			132	0-01-01
			VAND-KHADI	0-21-22
			82	0-14-68
			81	0-06-75
			83	0-03-78
			86	0-16-06
			87	0-02-80
			85	0-38-76
			97	0-18-83
			98	0-11-70
			WBM ROAD	0-01-58
			101	0-00-24
			96/A-B	0-54-84
			95	0-01-27
			93	0-08-28
			94	0-31-33
			92	0-26-38
			107	0-01-10
			109	0-18-94
			TOTAL	4-25-73

[F. No. L-14014/12/03-G.P.]
SWAMI SINGH, Director

नई दिल्ली, 15 मार्च, 2004

का.आ. 820.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्यांक का.आ. 939(अ) तारीख 19 अगस्त, 2003, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, गुजरात राज्य में राष्ट्रीय गैस ग्रिड परियोजना के अधीन दहेज-हजीरा-उरान-धाबोल पाइपलाइन सेक्टर के माध्यम से प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाने के लिए, उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 18 सितम्बर, 2003 से 22 सितम्बर, 2003 तक उपलब्ध करा दी गई थीं;

और उक्त पाइपलाइन बिछाने के सम्बन्ध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उस भूमि में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने के बजाए, पाइपलाइन बिछाने का प्रस्ताव करने वाली गेल (इंडिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त, गेल (इंडिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गांव	सर्वे नंबर	उ.का.अ. अर्जित के लिए की जाने वाली भूमि (हेक्टेयर में)
1	2	3	4	5
सुरत	ओलपाड	24 : वडोली	448-अ	0-05-036
			452-अ	0-10-89

1	2	3	4	5
सुरत	ओलपाड	21 : वडोली	448-ब	0-30-14
			451	0-30-37
			455	0-39-23
			486	0-26-18
			459	0-00-46
			482	0-14-30
			481	0-16-19
			480-अ	0-36-54
			467	0-46-06
			468	0-01-15
			469	0-06-99
			389	0-12-96
			391	0-26-11
			387	0-01-03
			384	0-22-28
			कारट्रेक	0-02-25
			385	0-01-80
			नाला	0-04-47
			328	0-53-65
			नाला	0-09-16
			329	0-42-02
			331	0-15-28
			रोड	0-09-03
			319	0-14-00
			317	0-11-14
			318	0-29-18
			कारट्रेक	0-00-99
			261	0-16-35
			262	0-33-93
			263	0-07-10
			536	0-36-76
			266	0-22-52
			267	0-21-49
			268	0-09-21
			257	0-07-00
			278	0-00-06
			279	0-56-89
			281	0-18-27
			235	0-00-55
			234	0-26-13
			233	0-19-84
			232	0-36-70
			231	0-08-49
			230	0-19-25
			229	0-19-78
			कुल	08-81-53

1	2	3	4	5
सुरत	ओलपाड	23 : कदरामा	154	0-07-45
			153	0-45-79
			152	0-11-82
			159	0-00-30
			160	0-32-94
			161	0-23-41
			162	0-12-80
			163	0-21-21
			164	0-15-58
		कुल		01-71-30
		26 : अच्छरण	153	0-20-00
			154	0-55-50
			158	0-50-42
		गोला-अच्छरण		
		रोड़		0-06-33
		159		
		159-पैकी		0-41-65
		4		0-49-20
		3		0-26-57
		कुल		02-49-67
		29 : वडोद	121अ-ब	0-29-74
			सब-माइनोर	0-04-73
		173		0-51-88
		138-पैकी		0-22-69
		कारट्रेक		0-00-87
		139		0-13-85
		140		0-10-55
		141		0-04-87
		143		0-31-70
		रोड़		0-19-42
		161		0-33-01
		162		0-30-35
		163		0-16-74
		169		0-00-63
		170		0-40-34
		171		0-06-28
		नाला		0-06-94
		कारट्रेक		0-06-18
		190		0-36-42
		192		0-45-58
		216		01-09-00
		232		0-50-57
		231अ-ब		0-07-60

1	2	3	4	5
सुरत	ओलपाड	29 : वडोद	225अ-ब	0-02-85
			कारट्रेक	0-07-37
			241	0-28-54
			240	0-67-68
			कुल	06-86-38
		31 : जोधान	199	0-06-34
			200	0-00-98
			198	0-04-62
			कुल	0-11-94
		32 : सरोली	8	0-08-48
			24	0-06-14
			16	0-03-67
			15/अ-ब	0-52-57
			14	0-25-74
			21	0-02-99
			22	0-67-27
			कारट्रेक	0-03-08
			26	0-00-14
			27	0-31-67
			केनाल	0-05-06
			47	0-45-72
			77	0-19-81
			कारट्रेक	0-03-50
			76	0-31-21
			75	0-00-24
			74	0-51-75
			72	0-02-11
			110	0-10-73
			71	0-37-44
			70	0-00-24
			69	0-21-25
			68	0-27-34
			रोड़	0-08-42
			198	0-27-72
			197	0-31-54
			196	0-16-41
			195	0-33-92
			168	0-08-55
			169/पैकी	0-07-09
			केनाल	0-17-22
			169/पैकी	0-23-23
			172	0-15-06
			171	0-13-74

1	2	3	4	5
सुरत	ओलपाड	32 : सरौली	173	0-00-15
			कुल	06-61-20
		25 : मोरथान	308-अ	0-23-13
			310	0-19-65
			309	0-30-46
			312	0-02-53
			316	0-19-70
			केनाल	0-13-39
			314	0-37-40
			356	0-23-75
			355	0-07-00
			353	0-26-49
			केनाल	0-04-51
			351	0-23-96
			350	0-06-55
			केनाल	0-15-10
			349/ब	0-36-80
			348	0-26-35
			347/अ	0-72-44
			कारट्रेक	0-02-67
			25	0-04-34
			28	0-61-60
			13	0-12-09
			29-अ	0-03-23
			रोड	0-08-55
			11	0-66-32
			52	0-38-06
			55-अ	0-14-72
			55-ब	0-15-13
			54	0-57-04
			74	0-22-09
			73	0-15-90
			आचरन	0-05-52
			खाड़ी	
			77	0-06-41
			70	0-42-82
			ड्रेइन	0-06-71
			कुल	07-77-41

[फाइल सं. एल-14014/12/03-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 15th March, 2004

S.O. 820.— Whereas by notification of the Government of India in the Ministry of Petroleum and

Natural Gas number S.O. 939(E) dated the 19th August, 2003, issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of natural gas through Dahej—Hazira—Uran—Dhabol Pipeline Sector under National Gas Grid Project in the State of Gujarat, a pipeline should be laid by the GAIL (India) Limited;

And whereas copies of the said Gazette Notifications were made available to the public from 18th September, 2003 to 22nd September 2003;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority;

And whereas the competent authority has, under Sub-section (1) of Section 6 of the said Act, submitted its report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipelines, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipelines shall, instead of vesting in the Central Government, vest, on the date of the publication of the declaration, in the GAIL (India) Limited, proposing to lay the pipelines and there upon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in the GAIL (India) Limited, free from all encumbrances.

SCHEDULE

Distt	Tehsil	Village	Survey No./ Block No.	Land to be acquired for R. O. U. in Hectares
1	2	3	4	5
Surat	Olpad	(21) Vadoli	448/A	0-05-36
			452/A	0-10-89
			448/B	0-30-14
			451	0-30-37
			455	0-39-23
			486	0-26-18

[illegible]

1	2	3	4	5	1	2	3	4	5
Surat	Olpad	(31) Jothan	199	0-06-34				316	0-19-70
			200	0-00-98				CANAL	0-13-39
			198	0-04-62				314	0-37-40
								356	0-23-75
			TOTAL	0-11-94			(25) Morthan	355	0-07-00
								353	0-26-49
		(32) Saroli	8	0-08-48				CANAL	0-04-51
			24	0-06-14				351	0-23-96
			16	0-03-67				350	0-06-55
			15/A-B	0-52-57				CANAL	0-15-10
			14	0-25-74				349/B	0-36-80
			21	0-02-99				348	0-26-35
			22	0-67-27				347/A	0-72-44
			C.T.	0-03-08				C.T.	0-02-67
			26	0-00-14				25	0-04-34
			27	0-31-67				28	0-61-60
			CANAL	0-05-06				13	0-12-09
			47	0-45-72				29-A	0-03-23
			77	0-19-81				11	0-65-32
			C.T.	0-03-50				ROAD	0-08-55
			76	0-31-21				52	0-38-06
			75	0-00-24				55-A	0-14-72
			74	0-51-75				55-B	0-15-13
			72	0-02-11				54	0-57-04
			110	0-10-73				74	0-22-09
			71	0-37-44				73	0-15-90
			70	0-00-24				Acharan	0-05-52
			69	0-21-25				Khadi	
			68	0-27-34				77	0-06-41
			ROAD	0-08-42				70	0-42-82
			198	0-27-72				DRAIN	0-06-71
			197	0-31-54					
			196	0-16-41					
			195	0-33-92					
			168	0-08-55					
			169/P	0-07-09					
			CANAL	0-17-22					
			169/P	0-23-23					
			172	0-15-06					
			171	0-13-74					
			173	0-00-15					
			TOTAL	06-61-20					
		(25) Morthan	308-A	0-23-13					
			310	0-19-65					
			309	0-35-46					
			312	0-02-53					

TOTAL 07-77-41

[File No. L-14014/12/03-G.P.]

SWAMI SINGH, Director

नई दिल्ली, 23 मार्च, 2004

का.आ. 821.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि महाराष्ट्र राज्य में पानेवाडी (मनमाड) संस्थापन से पेट्रोलियम उत्पादों के परिवहन के लिए मध्य प्रदेश राज्य में मांगल्या (इन्दौर) तक भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को यह आवश्यक प्रतीत होता है कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए उस भूमि में जिसके भीतर उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन करना आवश्यक है;

Competent Authority, Mumbai-Marmad Pipeline Extension Project Bharat Petroleum Corporation Limited, C/19-A, Scheme No. 78, Slice No. 5, A.B. Road, Indore-452010 (Madhya Pradesh).

SCHEDULE

Tehsil : Mhow District : Indore State : Madhya Pradesh

Name of Village	Survey No.	Area in Hectare
1	2	3
1. Kalikiray	1/1 (G.L.)	0.4050
2. Durjanpura	296/1, 296/2	0.0180
3. Sihod	425/1, 425/2	0.0660
	500	0.1200
4. Kumthi	33/1/2	0.0360
	28	0.0050
	10/4	0.1570
	10/2	0.0180
	33/2	0.0300
5. Sitapat	291/1, 291/2	0.0560
	299	0.1720
	324	0.0050
	84/380/3	0.1360
	75	0.0740
	279	0.0210
	90 Part	0.0160
6. Bhardala	101	0.0310
	156/18	0.1920
	156/16	0.1920
	156/17	0.1920
	156/7	0.1080
	156/8	0.1100
	156/9/1	0.2320
	156/10/9	0.2320
	156/11/1	0.2130
	156/12/1/1	0.2120
	156/13/1	0.2160
	156/4	0.2910
	156/15/1	0.2910
	94/9	0.0270
	94/10	0.1730
	94/8	0.1010

1	2	3
7. Gopalpura	51/2	0.3340
	51/1	0.0320
8. Bhatkhedi	311 Part	0.0160
	305	0.0450
	307	0.0220
	308	0.1400
	85	0.0610
	86/1, 86/2	0.0220
	88/806/1	0.1370
	88/807/1	0.1540
	322/1	0.1300
	322/4K	0.1170
	321	0.1600

[F.No.R-31015/44/2001-COR-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 26 मार्च, 2004

क्र.अ. 822.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2388 तारीख 14 अगस्त, 2003 जो भारत के राजपत्र तारीख 23 अगस्त, 2003 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में मनेवाडी (मनमाड) से मध्यप्रदेश राज्य में मंगल्या (इंदौर) तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मनमाड पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आदेश की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 15 अक्टूबर, 2003 को उपलब्ध करा दी गई थीं;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है; उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विलक्षणों से मुक्त, भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : कसरवाद	जिला : खरगोन	राज्य : मध्य प्रदेश
ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3
1. ग्यानपुरा	53	0.0400
	52	0.0900
	44	0.0530
	36	0.0560
2. कोठड़ा	76/1/1	0.0540
3. नगावां	52	0.0770
	8/1	0.0720
	15/1	0.0900
4. चीचली	561	0.0720
5. औरंगपुरा	44/1/1	0.2450
6. सत्राठी	48	0.0630
7. जरोली	275/6	0.0220
	276/1	0.0400
8. बिजगुन	37/2	0.0440
	38/5	0.0560

[फा. सं. आर-31015/38/2001-ओ.आर.-II]

हरीश कुमार, अवर सचिव

New Delhi, the 26th March, 2004

S.O. 822.—Whereas, by notification of the Government of India in the Ministry of Petroleum and Natural Gas, number S.O. 2387, dated the 13th August, 2003, issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated 23rd August, 2003, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum products through Mumbai-Manmad Pipeline Extension Project from Panewadi (Manmad) in the State of Maharashtra to Mangliya (Indore) in the State of Madhya Pradesh by Bharat Petroleum Corporation Limited;

And whereas copies of the said Gazette notifications were made available to the public from 15th October, 2003;

And whereas the competent authority has, under Sub-section (1) of Section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Scheduled is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest on this date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

Tehsil : Kasravad District : Khargone State : Madhya Pradesh

Name of Village	Survey No.	Area in Hectare
1	2	3
1. Gyanpura	53	0.0400
	52	0.0900
	44	0.0530
	36	0.0560
2. Kothra	76/1/1	0.0540
3. Nagawa	52	0.0770
	8/1	0.0720
	15/1	0.0900
4. Chichli	561	0.0720
5. Aurangpura	44/1/1	0.2450
6. Satarati	48	0.0630
7. Jaroli	275/6	0.0220
	276/1	0.0400
8. Bijgun	37/2	0.0440
	38/5	0.0560

[F. No. R-31015/38/2001-OR-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 26 मार्च, 2004

का. आ. 823.—केंद्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और त्वाकृतिक गैस मंत्रालय की अधिसूचना संख्यांक का.आ. 2388 तारीख, 13 अगस्त, 2003, जो भारत के राजपत्र तारीख 23 अगस्त, 2003 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, महाराष्ट्र राज्य में पानेवाडी (मनमाड) से मध्यप्रदेश राज्य में मांगल्या (इंदौर) तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मनमाड पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 12 नवम्बर, 2003 को उपलब्ध करा दी गई थीं;

और सक्षम प्राधिकारी ने, उक्त अधिसूचना की धारा 6 की उपधारा (1) के अधीन केंद्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केंद्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के

लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में पाइपलाइन बिछाने के लिये उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त, भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : सावेर	जिला : इन्दौर	राज्य : मध्य प्रदेश
ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर
1	2	3
1. बरदरी	5/1	0.0990
	9	0.0250
	10 1, 10/2	0.2190
	11	0.0512
	12	0.0260
2. भवरासला	1/2/1/1 ख, 3/2 ख	0.0290
3. रेवती	134/3	0.0396
	132/4	0.0610
4. जख्या	43/1/1, 43/2/1 } 43/2/2 }	0.4200
	206	0.0410
	228	0.0450
	249	0.2746
5. मगरखेड़ा	283	0.0030
	299	0.0420
	170	0.0200
	163	0.0250
	160	0.0140
6. बीजूखेड़ी	105/1, 105/2	0.0627
	103/2	0.0230
	91	0.0110
	100/3	0.2851
	107/2/1/1	0.0072
7. दाबली	24/1	0.1390
	108/108/2	0.0400
	123	0.0546
	130	0.0250
8. मांगल्या सड़क	56/1/1	0.0840
	86/1, 86/2	0.0216

[फा. सं. आर-31015/42/2001-ओ.आर.-II]

हरीश कुमार, अवर सचिव

New Delhi, the 26th March, 2004

S.O. 823.— Whereas, by notification of the Government of India in the Ministry of Petroleum and

Natural Gas, number S.O. 2387, dated the 13th August, 2003, issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated 23rd August, 2003, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum products through Mumbai-Manmad Pipeline Extension Project from Panewadi (Manmad) in the State of Maharashtra to Manglya (Indore) in the State of Madhya Pradesh by Bharat Petroleum Corporation Limited;

And whereas the copies of the said Gazette notifications were made available to the public from 12th November, 2003;

And whereas the competent authority has, under Sub-section (1) of Section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Scheduled is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

Tehsil : Ssanwar District : Indore State : Madhya Pradesh

Name of Village	Survey No.	Area in Hectare
1	2	3
1. Bardari	5/1	0.0990
	9	0.0250
	10/1, 10/2	0.2190
	11	0.0512
	12	0.0260
2. Bhavrasala	1/2/1/1 KH, 3/2 KH	0.0290
3. Revathi	134/3	0.0396
	132/4	0.0610
4. Jakhya	43/1/1, 43/2/1 } 43/2/2 }	0.4200
	206	0.0410
	228	0.0450
	249	0.2746

1	2	3
5. Magar Kheda	283	0.0030
	299	0.0420
	170	0.0200
	163	0.0250
	160	0.0140
6. Bijukhedi	105/1, 105/2	0.0627
	103/2	0.0230
	91	0.0110
	100/3	0.2851
	107/2/1/1	0.0072
7. Dhabli	24/1	0.1390
	108/1, 108/2	0.0400
	123	0.0546
	130	0.0250
8. Manglya Sadak	56/1/1	0.0840
	86/1, 86/2	0.0216

[F.No. R-31015/42/2001-OR-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 26 मार्च, 2004

का. आ. 824.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में मुन्द्रा पत्तन स्थित अपरिष्कृत तेल संस्थापन (सी.ओ.टी.) से पंजाब राज्य में भटिंडा तक अपरिष्कृत तेल के परिवहन के लिए गुरु गांबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड की समनुषंगी) द्वारा पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें पाइपलाइन बिछाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकारी का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग हुए उस भूमि में उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा करती है;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिसूचना की धारा 3 की उपधारा (1) के अधीन जारी इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में श्री राम करण शर्मा, सक्षम प्राधिकारी, मुन्द्रा-भटिंडा अपरिष्कृत तेल पाइपलाइन, पंजाब रिफाइनरीज प्रोजेक्ट, गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कार्पोरेशन की समनुषंगी), 450, एम.सी. कालोनी, हिसार रोड, सिरसा-125055 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : रनियां	जिला : सिरसा	राज्य : हरियाणा
गांव का नाम	हदबस्त नम्बर	खसरा नम्बर (यदि कोई है)
हिस्सा	क्षेत्रफल	कनाल-मरला

रनियां	137	205/5	4	0-4
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[फाइल सं. आर.-31015/5/2002-ओ.आर. II (भाग-II)]

हरीश कुमार, अवर सचिव

New Delhi, the 26th March, 2004

S.O. 824.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from crude oil terminal at Mundra Port in the State of Gujarat to Bathinda in the State of Punjab a pipeline should be laid by Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited);

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification, issued under Sub-section (1) of Section (3) of the said Act, are made available to the general public, object in writing to the laying of the pipeline under the land to Shri Ram Karan Sharma, Competent Authority, Mundra-Bathinda Crude Oil Pipeline, Punjab Refinery Project, Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation limited), 450, M.C. Colony, Hissar Road, Sirsa-125055(Haryana).

SCHEDULE

Tehsil : Rania		District : Sirsa		State : Haryana
Name of village	Hadbast No.	Khasra No.	Part Hissa No. (if any)	Extent Kanal-Marla
RAMIA	137	205/5	4	0-4

[File No. R-31015/5/2002-OR-II(Vol.II)]

HARISH KUMAR, Under Secy.

नई दिल्ली, 26 मार्च, 2004

का. आ. 825.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम,

1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्यांक का.आ. 2470 तारीख, 19 अगस्त, 2003, जो भारत के राजपत्र तारीख 30 अगस्त, 2003 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, केरल राज्य में भारत पेट्रोलियम कॉरपोरेशन लिमिटेड, इरपानम, कोचीन के इरपानम संस्थापन से तमिलनाडु राज्य में करूर तक मोटर स्ट्रिट, सुपीरियर केरासिन आयल और हाई स्पीड डीजल के परिवहन के लिए मैसर्स पेट्रोनेट सी.सी. के. लिमिटेड द्वारा पाइपलाइन बिछाई जाने के प्रयोजन के लिए उपयोग का अधिकार अर्जित करने के अपने आशय की घोषणा की थी;

और उक्त, राजपत्र अधिसूचना की प्रतियां जनता को तारीख 17 सितम्बर, 2003 को उपलब्ध करा दी गई थीं;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पाइपलाइन बिछाई जाने के लिए उक्त भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त, मैसर्स पेट्रोनेट सी.सी.के. लिमिटेड में निहित होगा।

अनुसूची

तालुका : करूर		जिला : करूर		राज्य : तमिलनाडु	
गाँव का नाम	सर्वेक्षण सं	हेक्टेर	आरे	क्षेत्र वर्ग मीटर	
1	2	3	4	5	
आथूर	779-5	0	03	18	
	779-6	0	00	77	
	779-7	0	00	89	
	779-9	0	00	32	
	1102-35	0	00	19	
	1102-36	0	00	06	
	1106-A1	0	05	28	
	1106-B5	0	00	75	
तालुका : अरविकुरुची		जिला : करूर		राज्य : तमिलनाडु	
गाँव का नाम	सर्वेक्षण सं	हेक्टेर	आरे	क्षेत्र वर्ग मीटर	
1	2	3	4	5	
मोन्जानूर (पश्चिम)	740-A	0	14	61	

1	2	3	4	5
	716-A	0	02	99
	738	0	01	17
	739	0	11	27
	672	0	08	63
थेन्नीलै (पूर्व)	686-2	0	02	20
	686-3	0	03	50
	686-8	0	01	60
	686-9	0	01	90
	1384-1	0	02	48
थेन्नील (पश्चिम)	429-2	0	06	93
	432-A1	0	04	54
	432-A2	0	00	55
	633	0	06	80
परमथी	25-A4	0	02	71
पुन्नम	179-3	0	00	56
	179-4	0	00	50
	180-4	0	03	22
	859-A2	0	00	61
	859-A3	0	00	59
	859-A7	0	01	72

तालुका : कान्गयम		जिला : ईरोड		राज्य : तमिलनाडु	
गाँव का नाम	सर्वेक्षण सं	हेक्टेर	आरे	क्षेत्र वर्ग मीटर	
1	2	3	4	5	
कान्गयम	686-2	0	00	90	
	830-3	0	01	82	
	920-3	0	05	00	
वीरनम-	488	0	02	16	
पालयम	507-1	0	01	11	
	507-2	0	00	92	
	516-4	0	03	70	
	517-1	0	07	52	
वीरचोल-	280-7A	0	02	95	
पुरम					
मेट्टुपा-	146-2	0	02	49	
लयम	1016-1	0	01	20	
(पश्चिम)					
समबनद-	268-5	0	09	55	
मपालयम					

तालुका : तिरुपूर	जिला : कोयम्बतूर	राज्य : तमिलनाडु	1	2	3	4	5
1	2	3	4	5			
कन्डीयन-	568-1	0	07	81			
कोविल	644-1	0	02	04			
	644-4	0	01	01			
	699-1B	0	01	06			
	699-1C	0	01	42			
अलागुमलै	52-4	0	01	80			
अविनाशी-	318-1	0	00	12			
पालयम-	322-3D	0	13	45			
(उत्तर)	322-3H	0	03	45			

तालुका : पल्लडम जिला : कोयम्बतूर राज्य : तमिलनाडु

गाँव	सर्वेक्षण	क्षेत्र	1	2	3	4	5
का नाम	सं.	हेक्टेर	आरे	वर्ग मीटर			

1	2	3	4	5
गनपति-	337	0	00	46
पालयम	354-3	0	07	09
	374	0	00	14
	378-2	0	08	45
नारनापुरम	416-3	0	00	05
	422-1B	0	04	42
	434-1	0	01	04
	434-2	0	02	42
ओटटर-	3-2	0	00	05
पालयम	4-2	0	00	20
	75-1B	0	01	00
पट्टनम	47-1C	0	01	25
	47-2C	0	00	20
	48-3	0	03	64
	90-3C	0	01	49
इरुगूर	511-1A	0	00	15
	581/2B	0	03	83
	584	0	10	83
	586/4	0	16	85

तालुका : कोयम्बतूर (द.) जिला : कोयम्बतूर राज्य : तमिलनाडु

गाँव	सर्वेक्षण	क्षेत्र	1	2	3	4	5
का नाम	सं.	हेक्टेर	आरे	वर्ग मीटर			

1	2	3	4	5
सर्कार	352-1C	0	00	44
अग्रहार वेल्ललुर				
शीरापालयम	554-3	0	00	72
मलुमिच्चमपट्टी	547-3A	0	01	41

1	2	3	4	5
मलुमिच्चमपट्टी	581-1A2A	0	09	96
(जारी)	581-1B1	0	01	34
	600-1C1	0	00	90
	600-1C2	0	00	60
मधुक्कुरै	255-1	0	00	19
	578-3A	0	00	77
	578-3B	0	00	84
	578-3C	0	00	30
	598-3	0	00	08
थिरूमल-	7-2B1C	0	11	37
यमपालयम	104	0	01	52
	109-4A2	0	03	28
	112-1A	0	00	92
	112-1B	0	02	31

[फाईल सं. आर-31015/3/2001-ओ. आर. II (भाग)]

हरीश कुमार, अवर सचिव

New Delhi, the 26th March, 2004

S.O. 825.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2470, dated the 19th August, 2003, issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 30th August, 2003, the Central Government declared its intention to acquire the right of user in the said land specified in the Schedule appended to that notification, for the purpose of laying pipeline for the transport of motor spirit, superior kerosene oil, and high speed diesel from Irimpanam Installation of Bharat Petroleum Corporation Limited, Irimpanam, Cochin in the State of Kerala to Karur in the State of Tamil Nadu by M/s Petronet CCK Limited;

And whereas copies of the said Gazette Notification were made available to the public on the 17th September, 2003;

And whereas the competent authority in pursuance of Sub-section (1) of Section 6 of the said Act has submitted his report to the Central Government;

And whereas the Central Government, after considering the said report, is satisfied that the right of the user in the land specified in the Schedule appended to the notification should be acquired;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification are hereby acquired;

And, further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central

Government hereby directs that the right of user in the said land shall, instead of vesting the Central Government vest, on the date of the publication of this declaration, in Petronet CCK Limited, free from all encumbrances.

SCHEDULE

Taluk : Karur District : Karur State : Tamil Nadu

Name of the Village	Survey Nos.	Area		
		Hect	Acres	Sq. Mtrs
(1)	(2)	(3)	(4)	(5)
Athur	779-5	0	03	18
	779-6	0	00	77
	779-7	0	00	89
	779-9	0	00	32
	1102-35	0	00	19
	1102-36	0	00	06
	1106-A1	0	05	28
	1106-B5	0	00	75

Taluk : Aravakurichi District : Karur State : Tamil Nadu

Name of the Village	Survey Nos.	Area		
		Hect	Acres	Sq. Mtrs
(1)	(2)	(3)	(4)	(5)
Monjanur (West)	740-A	0	14	61
	716-A	0	02	99
	738	0	01	17
	739	0	11	27
	672	0	08	63
Thennilai (East)	686-2	0	02	20
	686-3	0	03	50
	686-8	0	01	60
	686-9	0	01	90
	1384-I	0	02	48
Thennilai (West)	429-2	0	06	93
	432-A1	0	04	54
	432-A2	0	00	55
	633	0	06	80
Paramathi	25-A4	0	02	71
Punnam	179-3	0	00	56
	179-4	0	00	50
	180-4	0	03	22
	859-A2	0	00	61
	859-A3	0	00	59
	859-A7	0	01	72

Taluk : Kangayam District : Erode State : Tamil Nadu

Name of the Village	Survey Nos.	Area		
		Hect	Acres	Sq. Mtrs
(1)	(2)	(3)	(4)	(5)
Kangayam	686-2	0	00	90
	830-3	0	01	82
	920-3	0	05	00
Veeranampalayam	488	0	02	16
	507-1	0	01	11
	507-2	0	00	92
	516-4	0	03	70
	517-1	0	07	52

(1)	(2)	(3)	(4)	(5)
Veerabozhapuram	280-7A	0	02	95
Mettupalayam (West)	146-2	0	02	49
	1016-1	0	01	20
Sambandampalayam	268-5	0	09	55

Taluk : Tiruppur District : Coimbatore State : Tamil Nadu

Name of the Village	Survey Nos.	Area		
		Hect	Acres	Sq. Mtrs
(1)	(2)	(3)	(4)	(5)
Kandamkottai	568-1	0	07	81
	644-1	0	02	04
	644-4	0	01	01
	699-IB	0	01	06
	699-IC	0	01	42
Alagumalai North	52-4	0	01	80
Avanasipalayam	318-1	0	00	12
	322-3D	0	13	45
	322-3H	0	03	45

Taluk : Palladam District : Coimbatore State : Tamil Nadu

Name of the Village	Survey Nos.	Area		
		Hect	Acres	Sq. Mtrs
(1)	(2)	(3)	(4)	(5)
Ganapathipalayam	337	0	00	46
	354-4	0	07	09
	374	0	00	18
	378-2	0	08	46
Naranapuram	416-3	0	01	16
	422-IB	0	04	42
	434-1	0	01	04
	434-2	0	02	42
Oddarpalayam	3-2	0	00	05
	4-2	0	00	20
	75-IB	0	01	00
Pattanam	47-IC	0	01	25
	47-2C	0	00	20
	48-3	0	03	64
	90-2C	0	01	09
Irugur	511-1A	0	00	15
	581-2B	0	03	83
	584	0	10	83
	586/4	0	16	85

Taluk : Coimbatore District : Coimbatore State : Tamil Nadu (South)

Name of the Village	Survey Nos.	Area		
		Hect	Acres	Sq. Mtrs
(1)	(2)	(3)	(4)	(5)
Sarcar Agrahara	352-1C	0	00	44
Vellalore				
Secrapalayam	554-3	0	00	72
Mahmudicham Patti	547-3A	0	01	41
	581-1A2A	0	09	96
	581-1B1	0	01	34

1	2	3	4	5
	600-1C1	0	00	90
	600-1C2	0	00	60
Madukkarai	255-1	0	00	19
	578-3A	0	00	77
	578-3B	0	00	84
	578-3C	0	00	30
	598-3	0	00	08
Thirumalayam Palayam	7-2B1C	0	11	37
	104	0	01	52
	109-4A2	0	03	28
	112-1A	0	00	92
	112-1B	0	02	31

[File No. R-31015/3/2001-OR-II(Part)]

HARISH KUMAR, Under Secy.

नई दिल्ली, 29 मार्च, 2004

का. आ. 826.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि आन्ध्र प्रदेश राज्य में लिन्गाला जीजीएस-II से स्यामाला आईस कोल्ड इन्डस्ट्री पाइपलाइन परियोजना से प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें पाइपलाइन बिछाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी भारत के राजपत्र में यथा प्रकाशित अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के सम्बन्ध में, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, के.जी. बेसिन परियोजना, जेद्टी एवेन्यू, दानावैपेटा, राजामुन्द्री-533 103 (आन्ध्र प्रदेश) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिला	तहसील	गांव	सर्वे न.	आर. ओ. यू. अर्जित करने के लिए क्षेत्रफल (हेक्टेयर में)
1	2	3	4	5
कृष्णा	मुदेनेपल्ली	(1) चिगुरूकोटा	372 भाग	0.4050
			371 भाग	0.0800
			367/1 भाग	0.3360

1	2	3	4	5
			373 भाग	0.1300
			374 भाग	0.1100
			कुल	1.0610
	(2) पेरिकिगुडेम		887 भाग	0.0200
			कुल	0.0200

[फाईल सं. एल.- 14014/52/03-जी. पी.]

स्वामी सिंह, निदेशक

New Delhi, the 29th March, 2004

S.O. 826.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas from Lingala GGS-II to Syamala Ice Cold Industry Pipeline Project in the State of Andhra Pradesh a pipeline should be laid by the GAIL (India) Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user of land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under Sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Competent Authority, GAIL (India) Limited, Jetty Avenue, Danavaipet, Rajamundry-533 103 (Andhra Pradesh).

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (in Hectare)
1	2	3	4	5
Krishna	Mudinepalli	(1) Chigurukota	372 Part	0.4050
			371 Part	0.0800
			367/1 Part	0.3360
			373 Part	0.1300
			374 Part	0.1100
			Total	1.0610
		(2) Perikigudem	887 Part	0.0200
			Total	0.0200

[File No. L-14014/52/03-GP]

SWAMI SINGH, Director

नई दिल्ली, 1 अप्रैल, 2004

का. अ. 827.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1047 तारीख 28 मार्च, 2003, जो भारत के राजपत्र में तारीख 29 मार्च, 2003 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड की समनुषंगी) द्वारा मुन्दा-भटिन्डा अपरिष्कृत तेल पाइपलाइन के माध्यम से गुजरात राज्य में मुन्दा पत्तन स्थित अपरिष्कृत तेल संस्थापन से पंजाब राज्य में भटिन्डा तक पेट्रोलियम उत्पादों के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 9 जून, 2003 को उपलब्ध करा दी गई थीं;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए सभी विस्तारणों से मुक्त, गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कारपोरेशन लिमिटेड की समनुषंगी) में निहित होगा।

अनुसूची

तहसील : मुन्दा	जिला : कच्छ	राज्य : गुजरात			
			सर्वे संख्या	भाग यदि है तो	क्षेत्रफल
गाँव का नाम				हेक्टर	आर सेन्टी आर
1	2	3		4	
(1) शेखडीया	—	नाला	00	05	25
(2) गुन्डाला	—	कार्ट ब्रेक	00	02	18
	—	नाला	00	03	08
	ट्रार्क्स 585/1	पैकी	00	03	21
	ट्रार्क्स 585/13	पैकी	00	25	76
(3) छसरा	126	—	00	04	59

[च. सं. आर-31015/2/2002-ओआर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 1st April, 2004

S.O. 827.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas, Number S.O. 1047, dated the 28th March, 2003, issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India, dated the 29th March, 2003, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of Crude Oil from crude oil terminal at Mundra Port in the State of Gujarat to Bathinda in the State of Punjab through Mundra-Bathinda Crude Oil Pipeline by Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited);

And whereas, copies of the said Gazette notification were made available to the public on the 9th June, 2003;

And whereas, the competent authority has, under Sub-section (1) of Section 6 of the said Act, submitted its report to the Central Government;

And whereas, the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on the date of publication of the declaration, in Gurn Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited) free from all encumbrances.

SCHEDULE

Taluka : Mundra		District : Kutch		State : Gujarat	
Name of Village	Survey No.	Part if Any	ROU Area		
			Ha.	Ar.	Sq. Mt.
1	2	3	4		
(1) Shekhadia	—	Nala	00	05	25
(2) Gundala	—	Cart Track	00	02	18
	—	Nala	00	03	08
	Trowers 585/1	P	00	03	21
	Trowers 585/13	P	00	25	76
(3) Chhasra	126	—	00	04	50

[F.No. R-31015/2/2002-OR-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 1 अप्रैल, 2004

का. आ. 828.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1922 तारीख 9 जुलाई, 2003, जो भारत के राजपत्र तारीख 12 जुलाई, 2003 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड की समनुगंगी) द्वारा मुन्द्रा-भटिन्डा अपरिष्कृत तेल पाइपलाइन के माध्यम से गुजरात राज्य में मुन्द्रा पत्तन स्थित अपरिष्कृत तेल संस्थापन से पंजाब राज्य में भटिन्डा तक पेट्रोलियम उत्पादों के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 02 अगस्त, 2003 को उपलब्ध कर दी गई थीं;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की वजह से सभी विपक्षियों से मुक्त, गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड की समनुगंगी) में निहित होगा।

अनुसूची

तहसील : मुन्ना	जिला : कच्छ	राज्य : गुजरात			
गाँव का नाम	सर्वे सैख्या	भाग यदि है तो	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
1. मुन्ना	ट्रान्स 141/1 पैकी		00	04	24
	156/2		00	25	20
	ट्रान्स 141/1 पैकी		00	18	41
2. बारोड़	216		00	00	65
	217		00	20	48
	ट्रान्स 207 पैकी		01	54	20
	161/2		00	00	61
	—	कार्ट ट्रेक	00	00	11
	221		00	04	22
	—	कार्ट ट्रेक	00	01	20
	140/2		00	00	08
	142/1		00	02	59
3. शेखडीया	110/1		00	00	42
	115/2		00	00	67
	115/1 पैकी		00	04	01
	—	कार्ट ट्रेक	00	00	48
	—	कार्ट ट्रेक	00	00	10

[फ. सं. आर-31015/2/2002-ओआर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 1st April, 2004

S.O. 828.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas, Number S.O. 1922, dated the 9th July, 2003, issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India, dated the 12th July, 2003, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification, for the purpose of laying pipeline for the transportation of Crude Oil from crude oil terminal at Mundra Port in the State of Gujarat to Bathinda in the State of Punjab through Mundra-Bathinda Crude Oil Pipeline by Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited);

And whereas, copies of the said Gazette notification were made available to the public on the 2nd August, 2003;

And whereas, the competent authority has, under Sub-section (1) of Section 6 of the said Act, submitted its report to the Central Government;

And whereas, the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on the date of publication of the declaration, in Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited) free from all encumbrances.

SCHEDULE

Taluka : Mundra		District : Kutch		State : Gujarat		
Name of Village	Survey No.	Part if Any	ROU Area			
			Ha.	Ar.	Sq. mt.	
1	2	3	4			
1. Mundra	Trowsers 141/1 P		00	04	24	
	156/2		00	25	20	
	Trowsers 141/1 P		00	18	41	
2. Baroi	216		00	00	65	
	217		00	20	48	
	Trowsers 207 P		01	54	20	
	161/2		00	00	61	
	-	Cart Track	00	00	11	
	221		00	04	22	
	-	Cart Track	00	01	20	
	140/2		00	00	08	
	142/1		00	02	59	
3. Shekhadia	110/1		00	00	42	
	1115/2		00	00	67	
	115/1	P	00	04	01	
	-	Cart Track	00	00	48	
	-	Cart Track	00	00	10	

[F. No. R-31015/2/2002-OR-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 1 अप्रैल, 2004

का. आ. 829.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1046 तारीख 28 मार्च, 2003, जो भारत के राजपत्र तारीख 29 मार्च, 2003 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड की समनुषंगी) द्वारा मुन्द्रा-भटिंडा अपरिष्कृत तेल पाइपलाइन के माध्यम से गुजरात राज्य में मुन्द्रा पत्तन स्थित अपरिष्कृत तेल संस्थापन से पंजाब राज्य में भटिंडा तक पेट्रोलियम उत्पादों के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 9 जून, 2003 को उपलब्ध करा दी गई थीं;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लंगमों से मुक्त, गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कारपोरेशन लिमिटेड की समनुषंगी) में निहित होगा।

अनुसूची

तहसील : मुन्ना		जिला : कच्छ		राज्य : गुजरात		
ग्राम का नाम		सर्वे संख्या	भाग यदि है तो	क्षेत्रफल		
				हेक्टर	आर	सेन्टी आर
1	2	3	4	5	6	7
(1)	गुन्दाला	327/2		00	01	26
		331		00	01	42
		393/1		00	01	94
		—	नाला	00	02	07
		375		00	01	16
		216		00	04	47
		214/1		00	00	62
		—	कार्ट ट्रेक	00	01	35
		211/2		00	08	80
(2)	मोखा	177/2		00	01	77
		157	पैकी	00	03	91
		153/2		00	00	36
		254/1		00	01	23
		254/4		00	00	41
(3)	छसरा	325/2		00	03	33
		ट्रान्स 344/1 पैकी		00	03	39
		263/1		00	00	47
		133		00	01	04
		125/1	पैकी	00	10	07
		122/2		00	00	29
		106		00	01	37
		100		00	03	03
		96		00	00	69
		ट्रान्स 344/1 पैकी		00	01	35

[फ़. सं. आर-31015/2/2002-ओआर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 1st April, 2004

S.O. 829.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas, Number S.O. 1046, dated the 28th March, 2003, issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India, dated the 29th March, 2003, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification, for the purpose of laying pipeline for the transportation of crude oil from crude oil terminal at Mundra Port in the State of Gujarat to Bathinda in the State of Punjab through Mundra-Bathinda Crude Oil Pipeline by Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited);

And whereas, copies of the said Gazette notification were made available to the public on the 9th June, 2003;

And whereas, the competent authority has, under Sub-section (1) of Section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on the date of publication of the declaration, in the Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited) free from all encumbrances.

SCHEDULE

Taluka : Mundra		District : Kutch		State : Gujarat		
Name of Village		Survey No.	Part if Any	ROU Area		
				Ha.	Ar.	Sq. mt.
1	2	3	4	5	6	7
(1) Gundala		327/2		00	01	26
		331		00	01	42
		393/1		00	01	94
		—	Nala	00	02	07
		375		00	01	16
		216		00	04	47
		214/1		00	00	62
		—	Cart Track	00	01	35
		211/2		00	08	80
		177/2		00	01	77
(2) Mokha		157	P Cart Track	00	03	91
		153/2		00	00	36
		254/1		00	01	23
		254/4		00	00	41
		325/2		00	03	33
		Trowers 344/1	P	00	03	39
(3) Chhasra		263/1		00	00	47
		133		00	01	04
		125/1	P	00	10	07
		122/2		00	00	29
		106		00	01	37
		100		00	03	03
		96		00	00	69
		Trowers 344/1	P	00	01	35

[F. No. R-31015/2/2002-OR-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 1 अप्रैल, 2004

का.आ. 830.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि तमिलनाडु राज्य में राष्ट्रीय गैस ग्रिड परियोजना के अधीन कोची-कायम्कुलम-बंगलौर पाइपलाइन सेक्टर के माध्यम से प्राकृतिक गैस के परिवहन के लिए गेल (इन्डिया) लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिससे उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां सार्वजनिकता को उपलब्ध करा दी जाती हैं, इसीसे दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, विशेष तहसीलदार (R.U.O.) एवं सक्षम प्राधिकारी, गेल (इन्डिया) लिमिटेड, कावेरी बेसिन, 19, पेकुपल पूर्वी गली, नागापट्टिनम-611001 (तमिलनाडु) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हेक्टर में)
नमक्कल	तिरुईनगोडे	49, राजापलायम	1/2	0-0-10
			1/1ए	0-03-20
			कुल	0-03-31

[फ. सं. एल-14014/26/03-जी.पी. (भाग-I)]

रामानी सिंह, निदेशक

New Delhi, the 1st April, 2004

S.O. 830.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through Kochi-Kayamkulam-Bangalore Pipeline Sector Under National Gas Grid Project in the State of Tamil Nadu, a pipeline should be laid by the GAIL (India) Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire that right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under Sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Special Tehsildar (R.O.U.) Competent Authority, GAIL (India) Limited, Cauveri Basin, 19 Perumal East Street, Nagapattinam-611001 (Tamil Nadu).

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be Acquired for ROU (In Hectare)
Namakkal	Tiruchengole	49, Rajapalayam	1/2	0-0-10
			1/1A	0-03-21
			Total	0-03-31

[F. No. L-14014/26/03-G.P.(Part-1)]

SWAMI SINGH, Director

नई दिल्ली, 1 अप्रैल, 2004

का. आ. 831.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचनाओं सं. का. आ. 852 तारीख 7 अप्रैल, 2000 और सं. का. आ. 1807 तारीख 19 जुलाई, 2001 को अधिकृत करते हुए श्री एन.ए. बेबी मामलतदार, एस.एस.पी.ए., गांधीनगर को प्रतिनियुक्ति पर गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड में, गुजरात राज्य के राज्यक्षेत्र के भीतर उक्त अधिनियम के अधीन मुंद्रा-भंटीडा पाइपलाइन परियोजना के लिए सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए प्राधिकृत करती है।

[फा. सं. आर-31015/5/2000 ओ आर- II]

हरीश कुमार, अवर सचिव

New Delhi, the 1st April, 2004

S.O. 831.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), and in supersession of notifications number S.O. 852 dated the 7th April, 2000 and S.O. 1807 dated the 19th July, 2001, the Central Government hereby authorises Shri F. A. Babi, Mamlatdar, SSPA, Gandhinagar on deputation to Guru Gobind Singh Refineries Limited to perform the functions of competent authority for Mundra-Bathinda Pipeline Project, under the said Act within the territory of State of Gujarat.

[F. No. R-31015/5/2000-OR-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 2 अप्रैल, 2004

का. आ. 832.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में आन्ध्र प्रदेश राज्य क्षेत्र के भीतर, उक्त अधिनियम के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचनाओं सं. का. आ. 1221 तारीख 3 अप्रैल, 1996 तथा और सं. का. आ. 3498 तारीख 19 नवम्बर, 1999, द्वारा श्री एम. कृष्ण राव के स्थान पर श्री एन. कृष्ण, विशेष श्रेणी उप समाह्वता, आन्ध्र प्रदेश सरकार को हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड की विशाख-विजयवाड़ा-सिकन्दरबाद पाइपलाइन के लिए सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए प्राधिकृत करती है।

[फा. सं. आर-31015/11/2003-ओ आर- II]

हरीश कुमार, अवर सचिव

New Delhi, the 2nd April, 2004

S.O. 832.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorises Shri N. Krishna, Special Grade Deputy Collector, Government of Andhra Pradesh to perform the functions of competent authority under the said Act within the territory of the State of Andhra Pradesh for Hindustan Petroleum Corporation Limited's Visakh-Vijayawada-Secunderabad Pipeline in place of Shri M. Rama Krishna Rao authorised vide notifications of Government of India in the Ministry of Petroleum and Natural Gas, number S.O. 1221 dated the 23rd April, 1996 and number S.O. 3498 dated the 19th November, 1999.

[F. No. R-31015/11/2003-OR-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 1 अप्रैल, 2004

का.आ. 833.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में एल पी जी प्लान्ट, गंधार से आईओसीएल बोटलिंग प्लान्ट, गंधार पाइपलाइन परियोजना तक तरल पेट्रोलियम गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 क. 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी भारत के राजपत्र में यथा प्रकाशित अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, श्री एच.टी. वन्जा, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, दर्पण बिल्डिंग, आर.सी. दत्त रोड, अल्हापुरी, पडोदरा-390005 (गुजरात) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. के लिए अर्जित क्षेत्रफल (हेक्टर में)
1	2	3	4	5
भरुच	आमोद	रोजार्टकारीया	1093	0.1351
			1096	0.0853
			1097	0.0566
			1098	0.0565
			1089	0.1226
			1088	0.0163
			1099	0.2175
			1104	0.3236
			1112	0.1270
कुल			1.1405	

[फ. सं. एल-14014/19/03-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 1st April, 2004

S.O. 833.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of liquid petroleum gas from LPG Plant, Gandhar to IOCL Bottling Plant, Gandhar Pipeline project in the State of Gujarat, a pipeline should be laid by the GAIL (India) Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under Sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri S. T. Vanza, Competent Authority, GAIL (India) Limited, Darpan Building, R. C. Dutt Road, Alkapuri, Vadodra-390005 (Gujarat).

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be Acquired for ROU (in hectare)
Bharuch	Amod	Rozatankariya	1093	0.1351
			1096	0.0853
			1097	0.0566
			1098	0.0565
			1089	0.1226
			1088	0.0163
			1099	0.2175
			1104	0.3236
			1112	0.1270
Total			1.1405	

[F. No. L-14014/19/03-G.P.]

SWAMI SINGH, Director

नई दिल्ली, 1 अप्रैल, 2004

का.आ. 834.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में जामनगर-लोनी पाइपलाइन परियोजना तक तरल पेट्रोलियम गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से, जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी भारत के राजपत्र में यथा प्रकाशित अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, श्री एस. टी. वन्जा, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, दर्पण बिल्डिंग, आर. सी. दत्त रोड, अल्कापुरी, वडोदरा-390 005 (गुजरात) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. के लिए अर्जित क्षेत्रफल (हेक्टर में)
1	2	3	4	5
राजकोट	मालीया	19—कुन्तरसी	178/पैकी	0-05-40
			414/पैकी	0-07-40
			33/पैकी	0-00-54
			कुल	0-13-34
		20—मोटा दहीसरा	188	0-26-20
			181	0-19-00
			179	0-08-60
			कुल	0-53-80
		21—तरवरी	145	0-32-50

1	2	3	4	5
राजकोट	मालीया	21—तरवरी	146	0-24-30
			136	0-06-80
			137	0-18-00
			138	0-17-60
			139	0-16-80
			135	0-18-60
			147	0-00-93
			148	0-04-40
			143	0-40-00
			कुल	01-79-93
		2—नाना भेला	153	0-21-30
			कुल	0-21-30
		23—मोट भेला	454	0-18-80
			460	0-08-60
			217	0-04-14
			कुल	0-28-54
		24—जसापोर	178/पैकी	0-09-20
			कुल	0-09-20
		25—हरीपर	10	0-34-80
			कुल	0-34-80
		26—मालीया	94	0-04-45
			1647	0-06-20
			कुल	0-10-65
		27—नानीबरार	77	0-01-90
			719	0-01-90
			737	0-06-70
			कुल	0-10-50

[फ़. सं. एल-14014/42/'02-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 1st April, 2004

S.O. 834.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of liquid petroleum gas from Jamnagar—Loni pipeline project in the State of Gujarat, a pipeline should be laid by the GAIL (India) Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under Sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri S. T. Vanza, Competent Authority, GAIL (India) Limited, Darpan Building, R. C. Dutt Road, Alkapuri, Vadodara-390005 (Gujarat).

SCHEDULE

District	Tehsil	Village	Survey No. Block No.	Land to be acquired for ROU (in hectares)
1	2	3	4	5
Rajkot	Maliya	19—Kuntasi	178/P	0-05-40
			414/P	0-07-40
			33/P	0-00-54
			Total	0-13-34
		20—Mota Dahisara	188	0-26-20
			181	0-19-00
			179	0-08-60
			Total	0-53-80
		21—Targhari	145	0-32-50
			146	0-24-30
			136	0-06-80
			137	0-18-00
			138	0-17-60
			139	0-16-80
			135	0-18-60
			147	0-00-93
			148	0-04-40
			143	0-40-00
			Total	01-79-93
		22—Nana Bhela	153	0-21-30
			Total	0-21-30
		23—Mota Bhela	454	0-18-80
			460	0-08-60
			217	0-01-14
			Total	0-28-54
		24—Jashapan	178/P	0-09-20
			Total	0-09-20
		25—Haripar	10	0-34-80
			Total	0-34-80
		26—Maliya	94	0-04-45
			1647	0-06-20
			Total	0-10-65
		27—Nani Barar	77	0-01-90
			719	0-01-90
			737	0-06-70
			Total	0-10-50

[F. No. L-14014/42/02-G.P.]

SWAMI SINGH, Director

नई दिल्ली, 1 अप्रैल, 2004

क्र.आ. 835.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में जामनगर-लोनी पाइपलाइन परियोजना तक तरल पेट्रोलियम गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से, जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी भारत के राजपत्र में यथा प्रकाशित अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, श्री एस.टी. वन्जा, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, दर्पण बिल्डिंग, आर.सी. दत्त रोड, अल्कापुरी, वडोदरा-390005 (गुजरात) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नंबर	उ.का.अ. के लिए अर्जित की जाने वाली भूमि (हेक्टेयर में)
1	2	3	4	5
जामनगर	जोडीया	1-केसीया	368/1	0-20-20
			395	0-24-00
			736	0-18-00
			400	0-25-80
			396	0-09-80
			394	0-19-80
		2-बारेजा	कुल	01-17-60
			124/पैकी	0-13-30
			124/पैकी	0-28-00
			178	0-03-40
			कुल	0-46-70
		3-बालांभा	1711	0-19-40
			1861	0-27-00
			कुल	0-46-40
	4-तराना		217	0-92-20
			कुल	0-92-20
	5-जामदुबई		216	0-03-36
			215/पैकी	0-15-80
			कुल	0-19-16
	6-मावनुगाम		195	0-02-10
			कुल	0-02-10
	7-आमरन		757	0-10-60
			511	0-04-20
			कुल	0-14-80

1	2	3	4	5
जामनगर	जोडीया	8-पलसर	742	0-00-10
			कुल	0-00-10
		9-माघापर	97	0-24-40
			कुल	0-24-40
		10-सापर	91/1/पैकी	0-38-20
			34	0-03-90
			कुल	0-42-10
		11-खीमरना	325/2	0-16-98
			425	0-14-25
			50/9	0-23-25
			50/4	0-02-03
			53	0-14-70
			50/3	0-37-00
			कुल	01-08-21
		12-रावलसर	18 वत्ता 26	0-27-08
			कुल	0-27-08
		13-शेखतपट	33	0-01-00
			90	0-36-00
			399/2	0-29-00
			कुल	0-66-00
		14-कनसुमरा	36	0-04-48
			कुल	0-04-48
		15-लाखाबावल	187	0-67-00
			98	0-02-92
			88	0-32-60
			89	0-42-00
			204/1/पैकी	0-11-50
			204/2/पैकी	0-45-90
			कुल	02-01-92
		16-आमरा	497/2	0-11-40
			कुल	0-11-40
			4/पैकी	0-16-00
			4/पैकी	0-01-05
			38/पैकी	0-09-90
			38/पैकी	0-12-84
			38/पैकी	0-16-60
			37	0-22-00
			36	0-17-36
			36	0-05-58
			49	0-23-92

1	2	3	4	5
जामनगर	जोडीया	16-आमरा	48	0-03-88
			52	0-10-00
			52	0-03-00
			52	0-04-00
			115	0-17-20
			115	0-09-45
			115	0-12-26
			88	0-36-00
			88	0-36-60
			88	0-46-50
			87	0-49-32
			87	0-60-40
			89	0-01-87
			कुल	03-91-13
		17-नगस्तीम	782	0-12-17
			1019	0-05-00
			1021	0-06-15
			1208	0-44-00
			1265	0-25-00
			कुल	0-92-32
	धोल	18-मणोड	57	0-19-60
			228/1	0-24-00
			117	0-43-60
			10	0-01-75
			कुल	0-88-95

[फा. सं. एल-14014/42/02-बी.पी.]

रामजी सिंह, निदेशक

New Delhi, the 1st April, 2004

S.O 835.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of liquid petroleum gas from Jamnagar-Loni pipeline project in the State of Gujarat, a pipeline should be laid by the GAIL (India) Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under Sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Sri S.T. Vanza, Competent Authority, GAIL (India) Limited, Darpan Building, R.C. Dutt Road, Alkapuri, Vadodra-390005 (Gujarat).

SCHEDULE

Distt.	Tehsil	Village	Survey No./ Block No.	Land to be acquired for R.O.U. in Hectares.
1	2	3	4	5
Jamnagar	Jodia	1-Keshiya	368/1	0-20-20
			395	0-24-00
			736	0-18-00
			400	0-25-80
			396	0-09-80
			394	0-19-80
			Total :	01-17-60
		2-Beraja	124/P	0-15-30
			124/P	0-28-00
			178	0-03-40
			Total :	0-48-70
		3-Balambha	1711	0-19-40
			1861	0-27-00
			Total :	0-46-40
		4-Tarana	217	0-92-20
			Total :	0-92-20
		5-Jamdudhai	216	0-03-36
			215/P	0-15-80
			Total :	0-19-16
		6-Mavnugam	195	0-12-10
			Total :	0-12-10
		7-Amran	757	0-10-60
			511	0-04-20
			Total :	0-14-80
		8-Phadsar	742	0-00-10
			Total	0-00-10
		9-Madhapar	97	0-24-40
			Total :	0-24-40
		10-Sapar	91/1/P	0-38-20
			34	0-03-90
			Total :	0-42-10
		11-Khimrana	325/2	0-16-98
			425	0-14-25
			50/9	0-23-25
			50/4	0-02-03
			53	0-14-70
			50/3	0-37-00
			Total :	01-08-21

1	2	3	4	5
Jamnagar	Jodia	12-Ravalsar	18+26	0-27-08
			Total :	0-27-08
	Jamnagar	13-Shekhapat	33	0-01-00
			90	0-36-00
			399/2	0-29-00
			Total :	0-66-48
		14-Kansumra	36	0-04-48
			Total :	0-04-48
		15-Lakha-Baval	187	0-67-00
			98	0-02-92
			88	0-32-60
			89	0-42-00
			204/1/P	0-11-50
			204/2/P	0-45-90
			Total :	02-01-92
		16-Amra	497/2	0-11-40
			4/P	0-16-00
			4/P	0-01-05
			38/P	0-09-90
			38/P	0-12-84
			38/P	0-16-60
			37	0-22-00
			36	0-17-36
			36	0-05-58
			49	0-23-92
			48	0-03-88
			52	0-10-00
			52	0-03-00
			52	0-04-00
			115	0-17-20
			155	0-09-45
			115	0-12-26
			88	0-36-60
			88	0-46-50
			87	0-49-32
			87	0-60-40
			89	0-01-87
			Total :	03-91-13
		17-Nagarsim	782	0-12-17
			1019	0-05-00
			1021	0-05-00
			1208	0-44-00
			1205	025-00
			Total :	0-92-32

1	2	3	4	5
Jamnagar	Dhrol	18-Majoth	57	0-19-60
			228/1	0-24-00
			117	0-43-60
			10	0-01-75
			Total:	0-88-95

[F. No. L-14014/42/02-GP]

SWAMI SINGH, Director

नई दिल्ली, 1 अप्रैल, 2004

का.आ. 836.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में जामनगर-लोनी पाइपलाइन परियोजना तक तरल पेट्रोलियम गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किम्ब जाय;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से, जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी भारत के राजपत्र में यथा प्रकाशित अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, श्री एस.टी. वन्जा, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, दर्शन बिल्डिंग, आर.सी. दत्त रोड, अल्कापुरी, वडोदरा-390005 (गुजरात) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	क्षेत्रफल
1	2	3	4	5
कच्छ	मचाड	28-शिवलजा	589/1	0-17-50
			589/2	0-31-85
			588/1	0-24-00
			442	0-11-10
			443	0-18-90
			345/1	0-06-41
			586	0-24-00
			588/2	0-20-00
			587	0-12-00
			कुल	01-65-76
		29-चांदीया	608	0-23-80
			कुल	0-23-80
		30-जुना कठारीया	525	0-30-30
			495	0-10-60
			कुल	0-13-90
		31-शिकारपुर	149/2	0-27-20

1	2	3	4	5
कच्छ	मकाऊ (जारी)	31. शिकारपुर (जारी)	147/3 790/पैकी 790/- कुल	0-01-25 01-25-00 0-34-80 0-88-25
कच्छ	राजपर	32. भीमासर	2082/1 2082/2 2070/3 895/2 कुल	0-04-00 0-05-00 0-16-00 0-01-35 0-25-35
		33. पदमापर	189 187/1 184/पैकी कुल	0-26-00 0-24-00 0-31-40 0-91-40
		34. चिरोड़	594/पैकी 589/1 589/2 589/2 544 592 593/1 605/2 617/पैकी 621 626 627/2 कुल	0-06-60 0-18-40 0-08-10 0-08-40 0-18-20 0-09-00 0-01-25 0-20-80 0-05-00 0-34-60 0-42-00 0-19-20 01-91-55
		35. डेडरवा	83/1/पैकी 98 102 97 83/2 कुल	0-07-00 0-13-10 0-23-40 0-24-60 0-10-00 0-78-10
कच्छ	रापर	36. सह	437 364/1/पैकी 119/2 114/1 114/2 कुल	0.0494 0.0300 0.3500 0.3160 0.0912 0.8366

[फाइल सं. एल-14014/42/02-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 1st April, 2004

S.O 836.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of liquid petroleum gas from Jamnagar-Loni pipeline project in the State of Gujarat, a pipeline should be laid by the GAIL (India) Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri S.T. Vanza, Competent Authority, GAIL (India) Limited, Darpan Building, R.C. Dutt Road, Alkapuri, Vadodara-390 005 (Gujarat).

SCHEDULE

Distt.	Tehsil	Village	Survey No./ Block No.	Land to be acquired for R.O.U. in Hectares.
1	2	3	4	5
Kutch	Bhachau	28. Shivilakha	589/1	0-17-50
			589/2	0-31-85
			588/1	0-24-00
			442	0-11-10
			443	0-18-90
			345/1	0-06-41
			586	0-24-00
			588/2	0-20-00
			587	0-12-00
			Total :	01-65-76
		29. Wandhia	608	0-23-80
			Total	0-23-80
		30. Juna Katariya	525	0-03-30
			495	0-10-60
			Total	0-13-90
		31. Shikarpur	149/2	0-27-20
			147/3	0-01-25
			790/P	1-25-00
			790/P	0-34-80
			Total	0-88-25

1	2	3	4	5
Kutch	Rapar	32-Bhimasar	2082/1	0-04-00
			2082/2	0-04-00
			2070/3	0-16-00
			895/2	0-01-35
			Total	0-25-35
		33. Padamapar	189	0-26-00
			187/1	0-24-00
			184/P	0-31-40
			Total	0-91-40
		34. Chitrod	594/P	0-06-60
			589/1	0-18-40
			589/2	0-08-10
			589/2	0-08-40
			544	0-18-20
			592	0-09-00
			593/1	0-01-25
			605/2	0-20-80
			617/P	0-05-00
			621	0-34-60
			626	0-42-00
627/2	0-29-20			
Total	01-91-55			
Kutch	Rapar	35-Dedarva	83/1/P	0-07-00
			98	0-13-10
			102	0-23-40
			97	0-24-60
			83/2	0-10-00
			Total	0-78-10
Kutch	Rapar	36. Sai	437	0-04-94
			364/1/P	0-03-00
			119/2	0-35-00
			114/1	0-31-60
			114/2	0-09-12
			Total	0-83-66

[File No. L-14014/42/02-G.P.]

SWAMI SINGH, Director

श्रम मंत्रालय

नई दिल्ली, 4 मार्च, 2004

का. आ. 837.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोलकाता पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकाता के पंचाट (संदर्भ संख्या 21/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-3-2004 को प्राप्त हुआ था।

[सं. एल-32011/3/2001-आई.आर.(एम)]

सी. गंगाधरण, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 4th March, 2004

S.O. 837.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 21/2001) of the Central Govt. Industrial-Tribunal-cum-Labour Court, Kolkata as shown in the Annexure, in the industrial dispute between the management of Kolkata Port Trust and their workmen, received by the Central Government on 04-03-2004.

[No. L-32011/3/2001-IR (M)]

C. GANGADHARAN, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA**

Reference No. 21 of 2001

PARTIES : Employers in relation to the management of Calcutta Port Trust

AND

their workmen

PRESENT:

Mr. JUSTICE HRISHIKESH BANERJI,
Presiding Officer

APPEARANCE:

On behalf of Management : Mr. G. Mukhopadhyay, Industrial Relations Officer.

On behalf of Workmen : Mr. T. Das, Vice-President of the Union.

State : West Bengal. Industry : Port & Dock.

Dated : 20th February, 2004.

AWARD

By Order No. L-32011/3/2001-[IR (M)] dated 29-05-2001 the Central Government in exercise of its

powers under Section 10(1)(d) and (2A) of the Industrial disputes Act, 1947 referred the following dispute to this tribunal for adjudication:

"Whether the action of the management of Calcutta Port Trust in declining to treat the 14 Lascar Gr. I (classified as Class III Staff) who have been regularised on 9-9-99 in the Marine Deptt. as senior to 16 workmen of different categories who were transferred on 14-9-99 from CMEs department as per clause 10 of CPT Employees (Recruitment, Seniority and Promotion) Regulation, 1987 justified? if not, to what relief the concerned workmen are entitled?"

2. Briefly stated, the case of the National Union of Water front Workmen (I) (hereinafter referred to as the Union in short) is as follows. 14 Lascars Grade-I of the Calcutta Port Trust, namely, S/Shri Kamal Sen, Sukumar Mondal, Maqsood Alam, Jangli Bin, Md. Salim, Munalal Hazam, Sankar Chakraborty, Rupdhar Passi, Ayub Ali Khan, Reyasuddin Shaikh, Bishu Routh, Anwaruddin, Goutam Gupta and Safur Rahman were permanently adjusted in their respective substantive posts on 9th September, 1999. It is alleged by the union that the delay in permanent adjustment is substantive post was made only for the purpose of depriving these Lascars from their legitimate benefits, such as leave with pay, Provident Fund, Pension, Gratuity, leave encashment, leave travel concession, allotment of quarters, loan from the employees' co-operative credit society etc. the permanent employees of the Port are entitled to enjoy these benefits. Interm of the provisions made in CPT Employees (Recruitment, Seniority and Promotion) Regulations, 1985, the seniority and promotion of the above 14 Lascars Grade-I employees are confined to the "Heave-up-Boats" Unit of Mooring Master Sub-section only.

The Mechanical Engineer of another department under the Board of Trustee for the Port of Calcutta by his letter dated 13-9-1999 addressed to the Director, Marine Department had sent the following 16 workmen, namely, S/Shri Santi Rn. Debnath, Debasis Bhattacharya, Sankar Prosad Das, Raimohan Ghosh, Sanat Kr. Naskar, Kartick Ch. Dhara, Dharmaraj Singh, Ashok Kr. Laskar, Bhagirathi Mohanti, Rathindranath Sarkar, Prodip Kr. Das, Swapan Chowdhury, Swapan Chakraborty, Raghunandan Manjhi, Nemai Rn. Bangal and Md. Siraj of different categories for deployment in the said department. The workman so sent to the Marine Department had been marked present in the parent department, i.e. Mechanical Engineering Department upto 13-9-1999. The date of their deployment in the Marine Dept. was on and from 14-9-1999. The Director of the Marine Dept. by a notice dated 19-9-1999 declared those 14 Lascars Grade-I of "Heave-up-Boats" Unit of Mooring Master's Sub section surplus to requirement with effect

from 22-9-2000 treating those 16 workmen who were sent by the Mechanical Engineer to the Marine Dept. on 14-9-1999 for deployment. The dispute arose out of the said notice of the Director, Marine Dept. The Conciliation Officer had then drawn a conciliation proceeding which ended in failure due to divergent views, as a result the said dispute had been referred the Central Government to this Tribunal for adjudication.

It is alleged by the union that the action of the management of the Calcutta Port Trust in declining to treat the 14 Lascars Grade-I who had been regularised on 09-09-1999 in the Marine Dept. as senior to the workmen of different categories who were transferred on 14-09-1999 from the C. M. E.'s Dept. was totally unjustified and was also against the accepted rules and regulations governing the seniority of the employees under the Board of Trustees for the Port of Calcutta. In terms of Clause (i) of regulation 10 of the CPT Employees (Recruitment, Seniority and Promotion) Regulations, 1985, it is stipulated that the inter-se-seniority of two or more employees in a grade shall be determined on the basis of total length of service in that grade provided that when appointment to a grade had been made on the basis of selection inter-se-seniority would be determined according to their ranking at the time of selection.

It is stated by the union that the appointment of 14 Lascars Grade-I of Marine Dept. was made earlier than the appointment of 16 workmen in the Marine Dept. in the post of Lascar Grade-I. The total length of service of the 14 Lascars Grade-I of Marine Dept. was longer than that of the 16 workmen of C.M.E.'s Dept. who were transferred in the same grade in the Marine Dept. on 14-09-1999. These 16 workmen so sent to the Marine Dept. on 14-09-1999 have no justification for claiming seniority over the 14 Lascars Grade-I of Marine Dept. In terms of CPT Employees (Recruitment, Seniority and Promotion) Regulations, 1985 it is stipulated that an employee who is transferred to an another department at his own request or is adjusted there against any available vacancy after being declared surplus in the parent department, his seniority will be counted from the date of such transfer. It was an accepted fact that the 16 workmen of C. M. E's Dept. were found surplus to requirement in their parent department and they were subsequently transferred Marine Dept. for deployment and as they were deployed against particular posts and grads on 14-09-1999, their seniority in the grade is reckonable from the date of transfer, i.e., 14-09-1999.

The union prays for a direction on the management of Calcutta Port Trust to reimburse the financial losses suffered by the 14 Lascars Grade-I of Marine Depot, due to implementation of the notice dated 19-09-2000 issued by the Director, Marine Dept. Further prayer of the union is

for passing an order directing the management of Calcutta Port Trust to treat the services of the 14 Lascars Grade-I of the Marine Dept. as an integral part of the "Heave-up Boats" Unit from the date of their appointment.

3. The management of Kolkata Port Trust in its written statement states that for resolving certain grievances of the workmen attached to Mooring Crew, Heave-up Boats and Hawser Boats at Budge Budge and Kolkata, the National Union of Waterfront Workmen raised an industrial dispute by their letter dated 01-09-1999 and following conciliation, a settlement was arrived at before the A.L.C(C), Kolkata on 08-09-1999. For complying with the said settlement it was found that a total number of 227 crew members of different categories would be required to have been deployed at Budge Budge. At that time 15 "died-in-harness" candidates had been working on temporary basis with breaks from time to time at Budge Budge and 20 idle men from different departments were available for deployment at Budge Budge. Of these 20 idle men, 16 were surplus crew members of Crane Vessels Section under the Mechanical Engineering Section. The Chairman, Kolkata Port Trust on 06-09-1999 ordered that the aforementioned 20 persons including the 16 surplus crew members of Crane Vessels Section would be transferred to Budge Budge for deployment in the Heave-up-Boats Unit with immediate effect. 15 'died-in-harness' candidates who had been working on temporary basis might be recruited at Budge Budge against regular posts. Therefore, the 16 crew members of the Crane Vessels Unit had already been on regular roll of the Kolkata Port Trust. Having been regular employees, they were considered senior to the employees who were recruited against permanent vacancies later.

The management states that it is immaterial whether the particular employee ordered to be transferred to Budge Budge, physically reported immediately or later. The fact remains that their date of transfer was 06-09-1999 as per the order of the Chairman, Kolkata Port Trust when the concerned 15 candidates for whom the union espoused the dispute was not on regular roll of the Kolkata Port Trust. The management refers to the Regulation 10 of the KoPT Employees (Recruitment, Seniority and Promotion) Regulations, 1985 and quotes Clause (I) of Regulation 10 of the said Regulations which is as follows :

"The interse seniority of two or more employees in a grade shall be determined on the basis of the total length of service in that grade, provided that, when appointment to a grade has been made on the basis of 'selection', interse seniority shall be determined according to their ranking at the time of selection."

Management also refers to Clause (v) of Regulation 10 which is as follows :

"If an employee who is transferred to another department at his own request or is adjusted in that

department against any available vacancy after being rendered, considered or declared surplus in the department to which he belongs his seniority in any grade in the department to which he has been so transferred shall be reckoned from the date of such transfer.”

The other material allegations in the statement of claims of the union have been denied by the management. The management alleges that the action of the Kolkata Port Trust in declining to treat the 14 Lascars Grade-I who had been appointed on 09-09-1999 as senior to the 16 workmen who had been appointed on 09-09-1999 as senior to the 16th workmen who had been under regular roll of the Kolkata Port Trust much earlier than 09-09-1999 and were transferred from Mechanical Engineering Department to marine Department on 06-06-1999 in terms of Clause 10 of Kolkata Port Trust Employees (Recruitment, Seniority and Promotion) Regulations, 1985 is fully justified. It is stated that union or for that matter the concerned workmen are not entitled to any relief from this Tribunal.

4. Two witnesses on behalf of the workmen and one witness on behalf of the management adduced evidence in the matter. WW-1, Md. Maksood Alam joined Kolkata Port Trust on 26-03-1996 as Bhandari and was later promoted as Lascar Grade-I, which is a Class-III post. On 22nd September, 2000 he was declared surplus. On being so declared, he has been getting less than half of the remuneration which he was getting earlier. He further states that this is the fate of all the 14 persons involved in this case. He further deposes that at present they are working in different sections and there is no difference in their basic pay. He says that he has been permanently adjusted where he is working now. But, he says that they have approached this Tribunal for getting their earlier posts where they were working prior to being declared surplus.

WW-2, Anwaruddin says that he was appointed as Lascar Grade-I on 04-09-1997 in the Mooring Master's Section under the Director, Marine Department. 13 others joined between the period from April, 1997 to December, 1997. All of them were confirmed on 09-09-1999. They were declared surplus on 26-09-2000.

5. On behalf of the management MW-1, Shri P.K. Chattopadhyay the Establishment Officer in the Marine Department deposes that he joined the Marine Department under the Kolkata Port Trust on 21st February, 1994. He refers to the memorandum of settlement dated 18-09-1999 which was marked Ext. M-1 in this proceeding. He says that after the settlement some extra persons were required for the purpose of reorganising the man-power at Budge Budge. They inducted 16 persons from C.M.E.'s Department. 15 persons who were working at Budge Budge purely on temporary basis were regularised for the purpose of re-organisation. The persons coming from C.M.E.'s Department joined late because there was delay in their

being relieved from the C.M.E.'s Department. This witness further states that subsequently all these persons were declared surplus. Following declaration of such persons having been surplus, those persons were supposed to do their duty for 8 hours per day. They were only required to be present, but were not required to perform any duty. This position continued for about 3/4 months and thereafter they were adjusted in some other sections of the Marine Department.

In his cross-examination, this witness says that prior to their regularisation these 15 persons were working as temporary Lascars Grade-I since March, 1997. These workmen used to be laid-off for one day after every 41 days. 16 persons transferred from C.M.E.'s Department joined on 14th September, 1999 in the Marine Department at Budge Budge.

6. Let us consider whether the 14-Lascars Grade-I who have been regularised on 09-09-1999 in the Marine Department should be treated as senior to the other 16 workmen of different categories who were transferred on 14-09-1999 from C.M.E.'s Department as per Clause 10 of Kolkata Port Trust Employees (Recruitment, Seniority and Promotion) Regulations, 1985 (not 1987 as mentioned in the schedule of reference).

7. Mr. T. Das, vice-president of the union refers to the decisions reported in 1993 Lab. I.C. 1949 (SC) (Kailash Chandra Rajawat V. Union of India & Anr.) and 1993 Lab. I.C. 1665 (SC) (V. Bhaskar Rao & Ors. V. State of Andhra Pradesh & Ors.). In the case reported in 1993 Lab. I.C. 1949 (SC) it has been held by the Hon'ble Supreme Court that the period spent on temporary duty prior to regularisation of the workman was required to be taken into consideration for considering his eligibility for promotion and when so taken it is apparent that the appellant possess requisite experience as a Trains Clerk for his eligibility for promotion as Goods Guard 'C'. In this decision it was held that temporary service on pre promotional post should be considered for calculating the period of service.

In the case reported in 1993 Lab. I.C. 1665 (SC) it has been held by the Apex Court that in computation of seniority both temporary and permanent services should be considered on the basis of length of service including the service against temporary post.

8. In view of the above, it is held that the 14 Lascars Grade-I shall not be treated as senior to but at par with the 16 workmen of different categories who were transferred on 14-09-1999 from C.M.E.'s Department. Management is directed to give appropriate relief to the concerned workmen within three months from the date of receipt of this Award.

Dated, Kolkata,

The 20th February, 2004

HRISHIKESH BANERJI, Presiding Officer

नई दिल्ली, 4 मार्च, 2004

का. आ. 838.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यू.को. बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चंडीगढ़ के पंचाट (संदर्भ संख्या 150/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-3-2004 को प्राप्त हुआ था।

[सं. एल-12012/181/2000-आई.आर. (बी. II)]

सी. गंगाधरन, अवसर सचिव

New Delhi, the 4th March, 2004

S.O. 838.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 150/2001 of the Central Govt. Industrial-Tribunal-cum-Labour Court, Chandigarh has shown in the Annexure, in the industrial dispute between the management of UCO Bank and their workmen, received by the Central Government on 04-03-2004.

[No. L-12012/181/2000-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR, COURT CHANDIGARH****PRESIDING OFFICER: SHRI S.M. GOEL****Cace No. 150 of 2001**

V. K. Handa, 37-38, Gautam Nagar, Kapurthala Road Jalandhar City.

Applicant

Versus

UCO Bank, The Zonal Manager, UCO Bank, Zonal Office SCO 1092-93, Sector-22-B, Chandigarh.

Respondent

APPEARANCES:For the : Shri D. R. Sharma
workmenFor the : Shri N. K. Zakhmi
Management**AWARD**

Passed on 13-02-2004

Central Govt. vide letter No. L-12012/181/2000 IR (B. II) dated 28th of March 2001 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the Asstt. General Manager, UCO Bank to dismiss Shri V. K. Handa from service w.e.f. 21-10-1999 is legal and just? If not, what relief the concerned workman is entitled to and from which date?"

2. In the claim statement it is pleaded by the workman that he was issued a charge sheet on the charge of scuffling and beating and without considering the reply of the applicant ordered a departmental enquiry. The other co-workers of the applicant were left out by the bank and the services of the workman were dismissed and as the matter involves the officials of the rivals union, the bank is not empowered to take any action. It is pleaded that there was no injury or loss to any body and the other person who was involved in this scuffle is still in service, Thus it is a clear case of trade union-activities and pre-planned concocted story on the basis of which the workman was choosen for removal from service. It is further pleaded that the applicant is in the service of the bank since 12-7-1978 and up to the date of incident i.e. 13-12-1999 there had never been any incident with his co-workers and any body. It is also pleaded that punishment inflicted on the claimant is highly unjust, unfair and unwarranted. The appellate authority also did not followed the principles of natural justice in dismissing his appeal. It is pleaded that the punishment awarded is disproportionate to the gravity of offence and the applicant prayed that the reference be awarded in favour of the claimant and he be reinstated in service with all consenquential benefits, vitiating the enquiry as against the principle of natural justice.

3. In the written statement the management pleaded that the applicant served with a charge sheet of serious acts of misconduct on 12-10-1998 on the following charge:

"That on 21-9-1998, when the branch office of the respondent/management at gur mandi Jalandhar was not closed at the schedule time of 4.45 PM due to heavy rain and almost all the staff members including the petitioner were in the branch, at about 5.15 PM the petitioner with R. N. Chopra, clerk of the Branch entered the Manager's cabin and started shouting at Mr. J. B. Bansal, Assistant Manager of Raipur Ransulpur Branch who was present in the Manager's cabin at that time. The petitioner and R. N. Chopra asked Mr. J. B. Bansal to come out of the bank's premises for which he 'refused' Thereafter R. N. Chopra jumped and caught Mr. Bansal from his hair and started beating Mr. Bansal with the chappal of the petitioner. Mr. R. K. Kapoor, Asstt. Manager and Darshan Lal clerk of the branch seperated Mr. Bansal from the petitioner and R. N. Chopra. The petitioner and Mr. Chopra kept on shouting in their loud voice in the following manner:

"ASSEN TAN KHUS SUSPEND HONA CHAHANDE HAIN. SADE TAN KAROBAR CHALDE NE PAR TUHANU NAUKARI NAHIN KARAN DENEY."

It is further pleaded by the management that the petitioner was involved in bullying tactics and the enquiry officer was appointed and the enquiry officer conducted

the enquiry in fair and proper manner and principle of natural justices has been taken into consideration while conducting the enquiry. The charges were fully proved during the enquiry and before inflicting the punishment the show cause notice was also given and order dated 14-12-1999 was passed and the petitioner was removed from service. The punishment awarded is quite purportionate to the gravity of the misconduct and workman is not entitled to any relief. It is further pleaded that the applicant filed the appeal before the appellate authority which after personal hearing modified the order of dismissal into the removal from service which will not be a disqualification for the future employment. It is thus, prayed that there is no merit in the claim of the applicant and the same deserves rejection.

4. Replication was also filed reiterating the claim made in the claim statement by the workman.

5. The parties were heard on the enquiry and the management placed on the file the enquiry report and other documents. I have gone through the entire enquiry proceedings as submitted by the management and have also gone through the arguments of the learned counsel for both the parties and have also perused the record.

6. The learned counsel for the workman in all fairness to him has not argued on the fairness and conduction of the Inquiry Proceedings. The Inquiry Officer give full opportunity to the workman to cross-examine the witnesses of the Management and to produce his own witnesses during the Inquiry Proceedings in his defence. He was given full opportunity to the workman to defend himself. Thus when the counsel for the workman has not disputed the conduction of the Inquiry and as he was given full opportunity to defend himself, it can safely be held that Inquiry was conducted in accordance with the principles of natural justice.

7. The learned counsel vehemently argued that the findings of the Inquiry Officer is not based on the evidence and the Inquiry Officer has believed the version of the witnesses, but he ignored the statements of the witnesses produced by the workman in his defence and the charges were wrongly proved by the Inquiry Officer. The Learned Counsel has further argued that the workman was working with the Bank since 12-7-1978 and upto the date of incident there had never been any incident with any body. It is also argued that punishment inflicted on the applicant is highly unjust, unfair and disproportionate to the gravity of misconduct which is very harsh. He has also prayed for the intervention of this Tribunal under section 11A of the I.D. Act, 1947 in the matter of punishment and prayed that in view of his unblemish record of long service of more than 21 years, the punishment of removal from service is not commensurate to the alleged misconduct. He has also referred me to the case law of the Hon'ble Punjab and Haryana High Court reported in 2003(4) SCT page 358 Om Parkash vs. P. O. Industrial Tribunal Haryana in which

it has been held that if the Tribunal found that misconduct did not justify the punishment of dismissal then the petitioner can be reinstated.

8. On the other hand the learned counsel for the Management has argued that the charges have been fully proved against the workman and Inquiry was conducted in fair manner and in accordance with the principles of natural justice. It is further argued that the punishment is also commensurate to alleged misconduct which was serious in nature and the workman has been rightly punished for his misbehaviour of creating scenes in the office and of indecent nature. He has further argued that the applicant committed insubordination and section 11-A should not be invoked in such cases as that of the applicant.

9. I have gone through the entire enquiry file and also to the arguments advanced by the learned counsels of the parties. The workman is not disputing the conduction of the enquiry and it is there on the file that the enquiry was conducted in fair and legal manner adhering to the principles of natural justice. The charge against the workman was that he alongwith one R. N. Chopra at about 5-15 PM started shouting at Mr. Bansal and they both started beating Mr. Bansal and the other officials of the bank seperated them. It is there on the record that Mr. Bansal was not the employee of the branch where this incident happened. From the record it is clear that Mr. Handa the applicant was working in the bank since 1978 and he has already served the bank for more than 21 years and there was no other past incident reported against him. In my considered opinion the penalty imposed upon the workman for the above alleged misconduct is disproportionate to the gravity of alleged misconduct and taking into consideration the involvement of the applicant in the alleged incident, it is a fit case to invoke the provisions of Section 11-A of the I.D. Act, 1947 in the matter of penalty of removal from service. As it is the solitary incident, it requires some sympathetic consideration. Thus, it is held that enquiry has been conducted in fair and proper manner and there is no infirmity in the enquiry which is in accordance with the principles of natural justice. Exercising the powers conferred U/s 11-A of the I.D. Act, 1947, the punishment of dismissal/removal from service is substituted with the punishment of stoppage of four increments for one year to meet the ends of justice. The workman is ordered to be reinstated in service with seventy five per cent backwages and other benefits and the punishment is substituted as mentioned above. The reference is answered accordingly. Govt. be informed.

Chandigarh.

Dated: 13-2-2004

S. M. GOEL, Presiding Officer

नई दिल्ली, 8 मार्च, 2004

का. आ. 839.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार

मारवाड़ ग्रामीण बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण अजमेर के पंचाट (संदर्भ संख्या आई.डी. 2/98) को प्रकाशित करती हैं, जो केन्द्रीय सरकार को 05-03-2004 को प्राप्त हुआ था।

[सं. एल-12012/313/1997-आई.आर.(बी. I)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 8th March, 2004

S.O. 839.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID No. 2/98) of the Industrial Tribunal Labour Court Ajmer now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Marwar Gramin Bank and their workman, which was received by the Central Government on 05-03-2004.

[No. L-12012/313/1997-IR (B.I)]

AJAY KUMAR, Desk Officer

अनुबंध

न्यायालय श्रम न्यायालय एवं औद्योगिक न्यायाधिकरण, अजमेर

सीआईटीआर नं. 2/98

केन्द्र सरकार का रेफरेंस नम्बर एल-12012-313/97 दि.

22-7-98

धूकाराम पुत्र श्री समरथा निवासी ग्राम पोस्ट गांरा तहसील
रानीवाड़ा जिला जालौर (राजस्थान)

—प्राथी-श्रमिक

बनाम

चेयरमेन, मीर मारवाड़ ग्रामीण बैंक, पाली

—अप्राथी-नियोजक

समक्ष

श्री अतुल कुमार जैन, आर एच जे एस

प्राथी की ओर से : श्री पी. डी. खन्ना अधिवक्ता

अप्राथी की ओर से : श्री एस. के. भार्गव अधिवक्ता

अजमेर, 19 फरवरी, 2004

निर्णय/अवार्ड :- दि. 19-2-2004

इस प्रकरण में केन्द्र सरकार से प्राप्त रेफरेंस इस प्रकार था कि "क्या प्राथी की विपक्षी द्वारा दि. 25-5-90 को की गई सेवामुक्ति न्यायोचित है?"

प्राथी ने अपना स्टेटमेंट आफ क्लेम दि. 17-9-99 को पेश किया था। विपक्षी ने जबाब दि. 9-3-99 को पेश किया है। शहादत में प्राथी ने केवल मात्र खुद के बयान कराये हैं। विपक्षी ने कोई गवाह पेश नहीं किया है।

दस्तावेजी साक्ष्य में प्राथी ने प्रदर्श डब्ल्यू-1 से प्रदर्श डब्ल्यू-17 अपने फोटो कापी दस्तावेजात पर अंकित कराये हैं। विपक्षी ने अपने दस्तावेजी साक्ष्य में दस्तावेजात पर प्रदर्श एम-1 से प्रदर्श एम-11 अंकित कराये हैं।

प्राथी का कहना है कि सेवामुक्ति के तुरंत पूर्व एक वर्ष में उसने विपक्षी बैंक के यहां दैनिक वेतनभोगी च.श्रे.क. के रूप में 240 दिन से अधिक समय तक कार्य किया था फिर भी विपक्षी ने बिना कारण बताये नौकरी से हटा दिया था उसे हटाने के बाद नये कनिष्ठ कर्मचारीगण को नौकरी पर विपक्षी ने रखा। विपक्षी ने प्राथी के आक्षेप गलत बताये हैं।

इस प्रकरण में प्राथी ने सेवामुक्ति के तुरंत पूर्व एक वर्ष में अर्थात् 25-5-89 से 24-5-90 तक की अवधि में 240 दिवस कार्य करना साबित नहीं किया है। प्राथी ने जिरह में स्वीकार किया है कि पेमेंट वाकचर प्रदर्श एम-1 में मुझे 10 दिन का प्रदर्श एम-2 में दो दिन का प्रदर्श-एम 3 में एक माह का प्रदर्श एम-4 में केवल 18 दिन का भुगतान (प्राथी को) किया गया था तथा वह स्वीकार करता है कि प्रदर्श-एम 3 में उसे पार्ट टाइम कार्य का भुगतान किया था। इस प्रकार प्राथी के द्वारा विपक्षी के यहां किया गया कार्य दि. 13-1-89 से 14-1-89 दो दिवस, 20-1-89 से 31-1-89 तक 12 दिवस, जून 89 में 30 दिवस तथा 1 जुलाई से 18 जुलाई तक 18 दिवस कुल 62 दिन कार्य किया जाना प्रमाणित होता है। प्राथी को विपक्षी के यहां 240 दिन कार्य करना खुद को साबित करना था।

ए.आई.आर. 2002, सुप्रीम कोर्ट पेज 1147 रेंज फोरेस्ट आफिसर बनाम एस.टी.हाडीमणी में 240 दिन कार्य किये जाने को सिद्ध करने का भार श्रमिक पर माना गया है। वर्तमान प्रकरण में प्राथी अपना सिद्ध भार नहीं उतार सका है।

प्राथी द्वारा पेश किये गये दस्तावेजात प्रदर्श डब्ल्यू-1 लगायत प्रदर्श डब्ल्यू-17 को प्राथी ने नियमानुसार साबित कराने का तनिक भी प्रयास नहीं किया है। जिरह में उसने स्वीकार किया है कि उसने जिन गवाहों के शपथ पत्र तथा जिन अधिकारियों द्वारा दिये गये प्रमाण पत्र पेश किये वह बैंक से सम्बन्धित कर्मचारी/अधिकारी नहीं हैं तथा बैंक में भी कार्यरत नहीं हैं। वह स्वीकार करता है कि उसने जो भी प्रमाण पत्र/शपथपत्र पेश किये हैं वह शपथ पत्र तथा प्रमाण पत्र देने वाला व्यक्ति जिंदा है। जाहिर है कि इस तरह का शपथ पत्र तथा प्रमाण पत्र प्राथी की कोई मदद नहीं करता है।

जिरह में प्राथी ने यह भी स्वीकार किया है कि उसे कोई नियुक्ति पत्र बैंक द्वारा नहीं दिया गया है। इस प्रकार प्राथी एक नितांत आधारहीन कहानी लेकर सामने लाया है। क्लेम प्रस्तुत करने में भी लगभग 8 वर्ष का उसने विलम्ब किया है। विलम्ब का कारण वह यह बताता है कि पहले उसका मामला राज्य सरकार ने रेफर किया था जिस आधार पर श्रम न्यायालय जोधपुर तथा माननीय उच्च न्यायालय जोधपुर ने रेफरेंस को खारिज करते हुए केन्द्र सरकार को रेफरेंस करने के निर्देश दिये थे। वर्तमान रेफरेंस केन्द्र सरकार से प्राप्त हुआ है। इस प्रकार विलम्ब का कारण भी विपक्षी नियोजक की कोई गलती होना प्राथी प्रमाणित नहीं कर सका है।

जहां तक प्रार्थी से सम्बन्धित अधिकारियों का विपक्षी द्वारा नियुक्त किये जाने का प्रश्न है प्रार्थी नहीं बता सका है कि किन कर्मचारीगण को प्रार्थी को हटाने के बाद नियुक्ति दी गई थी। इस प्रकार प्रार्थी का यह तर्क भी खारिज होने योग्य है।

विपक्षी का कहना है कि प्रार्थी को यदा कदा सफाई करने अथवा पानी भरने के लिए पार्ट टाइम जॉब विपक्षी द्वारा दिया जाता था तथा उसे आधार पर प्रार्थी को धारा 25एफ, 25जी, 25एच के तहत कोई अधिकार प्राप्त नहीं होते हैं। विपक्षी का उक्त तर्क पूर्णतया स्वीकार किये जाने प्रतीत होता है। प्रार्थी ने अपना प्रकरण साबित करने का कोई उचित प्रयास नहीं किया है। इस प्रकरण में मौखिक बहस अंतिम सुनी जाने के उपरान्त भी तीन पेशियों पर मैंने उभय पक्ष को अपने तर्कों का सारांश लिखित में पेश करने का अवसर दिया था। लेकिन प्रार्थी ने इस अवसर का कोई लाभ नहीं उठाया है।

मेरे द्वारा किये गये उपरोक्त विवेचन के आधार पर प्रार्थी धूकाराम का यह क्लेम पूर्णतः खारिज होने योग्य है जो एतद्द्वारा खारिज किया जाता है और यह निर्धारित किया जाता है कि प्रार्थी अपनी सेवामुक्ति को अनुचित अथवा असंवैधानिक होना प्रमाणित नहीं कर सका है। इस कारण प्रार्थी कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।

अतुल कुमार जैन, न्यायाधीश

नई दिल्ली, 8 मार्च, 2004

का. आ. 840.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ राजस्थान के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में औद्योगिक अधिकरण श्रम न्यायालय अजमेर के पंचाट (संदर्भ संख्या आई.डी. 2/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-03-2004 को प्राप्त हुआ था।

[सं. एल-12012/328/1998-आई.आर.(बी. I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 8th March, 2004

S.O. 840.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID No. 2/99) of the Industrial-Tribunal-Labour Court Ajmer now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Bank of Rajasthan and their workman, which was received by the Central Government on 05-03-2004.

[No. L-12012/328/1998-IR (B.I)]

AJAY KUMAR, Desk Officer

अनुबंध

श्रम न्यायालय एवं औद्योगिक न्यायाधिकरण, अजमेर (राज.)

पीठापीन अधिकारी : अतुल कुमार जैन, आरएचजेएस

प्रकरण संख्या-सीआईटीआर 2/99

केन्द्र सरकार का रेफरेंस पत्र क्र. एल-12012/328/98/आई आर(बी-1)

नई दिल्ली दि. 22-1-1999

रघुवीर सिंह पंवार पुत्र हेमसिंह पंवार, जाति-राजपूत, निवासी-
चंपानेरी पोस्ट-चंपानेरी, बाया भिनाय, अजमेर

—प्रार्थी

बनाम

उपमहाप्रबंधक, बैंक ऑफ राजस्थान-सी III सरदार पटेल मार्ग,
सी-स्कीम, जयपुर

—अप्रार्थी

पक्षकारों के अधिवक्तागण:
के नाम

श्री विनोद गौड़
प्रार्थी की ओर से
श्री राजकुमार जैन,
अप्रार्थी की ओर से

दि. 23-2-04

निर्णय/अवार्ड

इस प्रकरण में केन्द्र सरकार से प्राप्त रेफरेंस अंतर्गत धारा 10 आई.डी. एक्ट 1947 इस प्रकार था कि क्या बैंक ऑफ राजस्थान के प्रबंधन ने प्रार्थी रघुवीर सिंह पंवार की सेवायें दि. 3-12-95 से समाप्त करके उचित एवं वैधानिक कार्य किया? यदि नहीं तो प्रार्थी रघुवीर सिंह किस अनुतोष को पाने का अधिकारी है?

रेफरेंस के क्रम में प्रार्थी रघुवीर सिंह ने अपना क्लेम 25-5-99 को पेश किया था। विपक्षी ने क्लेम का जवाब 18-5-2000 को पेश किया था क्लेम के समर्थन में प्रार्थी ने अपना हलफनामा दि. 8-10-02 को पेश किया था तथा 26-3-03 एवं 27-3-03 को विपक्षी ने उससे जिरह की है। विपक्षी की ओर से उपप्रबंधक गोकुलसिंह राठौड़ का हलफनामा शहादत में 8-7-03 को पेश हुआ था तथा प्रार्थी पक्ष ने गोकुल सिंह राठौड़ का हलफनामा शहादत में 8-7-03 को पेश हुआ था तथा प्रार्थी पक्ष ने गोकुल सिंह गवाह से दि. 11-11-03 को जिरह की है।

दस्तावेजी सबूत में श्रमिक पक्ष की ओर से कोई दस्तावेज पेश नहीं किये गये हैं लेकिन विपक्षी ने अपने दस्तावेजात् की फोटो कॉपियों पर प्रदर्श एम-1 लगायत एम-34 अंकित कराया है।

प्रकरण में उभयपक्ष की बहस अंतिम मैंने सुनी है तथा उभयपक्ष ने अपनी बहस का लिखित सारांश न्यायालय की मदद के लिए पेश किया है उसका भी मैंने अवलोकन किया है।

प्रार्थी ने अपने क्लेम में यह अनुतोष चाहा है कि उसे दि. 1-6-95 से 10-10-95 तक का वेतन दिलाया जावे उसे दफ्तरी के पद पर स्थाई कर दिया जावे, उसे अस्थायी कर्मचारी की नियमित वेतन श्रृंखला दिलायी जावे तथा अन्य अनुतोष जो न्यायालय उचित समझे दिलाये जावे।

हमारे समक्ष रेफरेंस केवल मात्र सेवामुक्ति की वैधानिकता को लेकर है, इस प्रकार के रेफरेंस में प्रार्थी को किसी पद पर स्थाई किया जाना या उसे पूर्व में मिल रहे वेतन से भिन्न किसी भी सूरत में दिलाया

जाना इस रैफरेंस के क्षेत्राधिकार में नहीं होने से प्रार्थी की इस संबंध में की गयी प्रार्थना विचारणीय नहीं कही जा सकती है।

अब प्रार्थी की एकमात्र प्रार्थना जो विचारण हेतु रह जाती है वह यह है कि क्या विपक्षी ने प्रार्थी के टर्मिनेशन के तुरंत पूर्व के एक वर्ष की अवधि में उसने 240 दिन या अधिक समयावधि तक कार्य लिया एवं क्या विपक्षी ने उसे धारा 25 एफ आई. डी. एक्ट 1947 के प्रावधानों की अनुपालना किये बगैर नौकरी से हटा दिया एवं क्या इस संबंध में प्रार्थी इस न्यायालय से कोई राहत पाने का अधिकारी है?

240 दिन की गणना के लिए प्रकरण में सेवामुक्ति की तथाकथित दिनांक से तुरंत पूर्व का एक वर्ष अर्थात् 3-12-94 से 2-12-95 तक की अवधि सुसंगत होती है। प्रार्थी ने स्टेटमेंट ऑफ क्लेम के साथ जो चार्ट पेश किया है उसमें प्रार्थी ने इस अवधि में कुल 210 दिन मात्र कार्य करना बताया है, उसके कार्यदिवसों का विवरण स्वयं प्रार्थी के अनुसार निम्न प्रकार है :—

1. दि. 19-12-94 से 29-12-94 = 10 दिवस
2. दि. 23-1-95 = 01 दिवस
3. दि. 27-1-95 से 23-2-95 = 24 दिवस
4. दि. 24-2-95 से 25-2-95 = 02 दिवस
5. दि. 7-3-95 = 01 दिवस
6. दि. 11-3-95 से 21-3-95 = 08 दिवस
7. दि. 22-3-95 = 01 दिवस
8. दि. 24-3-95 = 01 दिवस
9. दि. 29-3-95 से 2-4-95 = 05 दिवस
10. दि. 20-4-95 = 01 दिवस
11. दि. 24-4-95 = 06 दिवस
12. दि. 9-5-95 = 01 दिवस
13. दि. 15-5-95 से 20-5-95 = 06 दिवस
14. दि. 22-5-95 = 01 दिवस
15. दि. 29-5-95 से 31-5-95 = 03 दिवस
16. मई 95 में (तारीख नहीं दी) = 05 दिवस
17. दि. 1-6-95 से 30-6-95 = 30 दिवस
18. दि. 1-7-95 से 31-7-95 = 31 दिवस
19. दि. 1-8-95 से 31-8-95 = 31 दिवस
20. दि. 1-9-95 से 10-10-95 = 40 दिवस
21. दि. 1-12-95 से 2-12-95 = 02 दिवस

कुल योग = 210 दिवस

इस प्रकार प्रार्थी द्वारा बताये गये कार्यदिवसों को यथावत् सही मान लिया जावे तो भी प्रार्थी तथाकथित सेवामुक्ति की दिनांक से तुरंत पूर्व की एक वर्ष की अवधि में 240 दिन कार्य करना प्रमाणित नहीं कर सका है। 240 दिन कार्य करना प्रमाणित करना स्वयं प्रार्थी का दायित्व था। प्रार्थी अपना दायित्व वहन करने में पूरी तरह असफल रहा है। इस संबंध में एआईआर 1981 सुप्रीम कोर्ट पेज 1253 मोहनलाल/मैनेजमेंट ऑफ भारत इलेक्ट्रॉनिक्स विपक्षी के तर्क को बल देती है। विपक्षी द्वारा

उल्लेखित 2003 एससीसी एल एंड एस पेज 13 ई.डी./राजीव कुमार, 2002(3) डब्ल्यू एल सी राज. पेज 72 गिरधर गोपाल सैनी/आई. टी. भी विपक्षी के तर्क की पुष्टि करती है।

उक्त 210 दिनों में से भी प्रार्थी स्वयं स्वीकार करता है कि 1-6-95 से 10-10-95 तक का अर्थात् 132 दिन का वेतन उसे नहीं मिला हो इस प्रकार भुगतान किये गये वेतन के आधार पर प्रार्थी के कार्य दिवसों की गणना की जावे तो वह केवल मात्र 178 दिवस रह जाती है।

विपक्षी का कहना है कि प्रार्थी को बैंक के दफ्तरी/चतुर्थ श्रेणी कर्मचारी के अवकाश पर चले जाने पर उसे अवकाश की अवधि अथवा आकस्मिक आवश्यकता के अनुसार कभी-कभी सुबह बीस रुपये प्रतिदिन की दर पर बैंक परिसर की सफाई के लिए बुलाया जाता था। विपक्षी का कहना है कि बाद में प्रार्थी को पच्चीस रुपये प्रतिदिन के हिसाब से भी भुगतान किया गया था। विपक्षी का कहना है कि दि. 1-6-95 से 10-10-95 तक प्रार्थी ने विपक्षी के यहां न तो कोई कार्य किया और न ही विपक्षी ने उक्त अवधि में भुगतान किया। विपक्षी का यह भी कहना है कि चंपानेरी शाखा में उन दिनों दफ्तरी का पद भी रिक्त नहीं था। बैंक का कहना है कि प्रार्थी को कभी दफ्तरी/चपरासी के पद पर नियुक्ति नहीं दी गयी थी। बैंक का यह भी कहना है कि शाखा प्रबंधक को ऐसी नियुक्ति देने का अधिकार भी नहीं था। उल्लेखनीय है कि प्रार्थी ने भी कोई नियुक्ति पत्र पेश नहीं किया है। विपक्षी ने गवाह गोकुल सिंह राठौड़ उपप्रबंधक से प्रार्थी ने लंबी जिरह की है लेकिन प्रार्थी जिरह में इस गवाह से साबित नहीं कर सका है कि बैंक ने कभी उसे नियुक्ति पत्र दिया हो अथवा तथाकथित सेवामुक्ति की दिनांक के तुरंत पूर्व के 365 दिनों की अवधि में उससे बैंक ने 240 दिवस या अधिक अवधि कार्य लिया हो।

प्रार्थी रघुवीरसिंह ने अपने हलफनामे में कहीं भी अपने नियुक्ति पत्र का हवाला नहीं दिया है। 240 दिन की कार्य अवधि सेवामुक्ति के तुरंत पूर्व की अवधि में वह प्रमाणित नहीं कर सका है कि जहां पूरे वर्ष में लगातार कार्य नहीं किया गया हो वहां रविवारीय व राजपत्रित अवकाशों को कार्य दिवसों में नहीं जोड़ा जा सकता है। प्रार्थी ने भिन्न-भिन्न अंतराल से एक वर्ष में केवल मात्र 178 दिन अंशकालीन सफाई कर्मचारी के रूप में बीस रुपये अथवा पच्चीस रुपये प्रतिदिन के हिसाब से विपक्षी के यहां काम किया था। टुकड़ों में तथा अंशकालीन कार्य के आधार पर प्रार्थी के प्रकरण में धारा 25 एफ आई. डी. एक्ट 1947 लागू नहीं किया जा सकता है। इस संबंध में विपक्षी ने 2002 (111) एलएलजे इलाहाबाद पेज 924 मगरचैन/स्टेट ऑफ यू.पी. तथा 2001(91) एफएलआर पटना 824 प्रमोद कुमार/स्टेट ऑफ बिहार उल्लेखित की है। उक्त दोनों नज़ीरें विपक्षी के तर्क की पूरी तरह पुष्टि करती हैं। विपक्षी द्वारा पेश किये गये दस्तावेजात् प्रदर्श एम-1 लगायत एम-34 से भी विपक्षी का तर्क स्वीकार किये जाने योग्य तथा प्रार्थी के तर्क खारिज किये जाने योग्य प्रमाणित होते हैं।

परिणामतः प्रार्थी रघुवीरसिंह का यह क्लेम खारिज होने योग्य है जो एतद्वारा खारिज किया जाता है। प्रार्थी स्टेटमेंट ऑफ क्लेम में वर्णित कोई भी अनुतोष विपक्षी से प्राप्त करने का अधिकारी नहीं है।

अतुल कुमार जैन, न्यायाधीश

नई दिल्ली, 9 मार्च, 2004

SCHEDULE

का.आ. 841.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II धनबाद के पंचाट (संदर्भ सं. 97/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-04 को प्राप्त हुआ था।

[सं. एल-20012/302/90-आई.आर.(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 9th March, 2004

S.O. 841.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 97/91) of the Central Government Industrial Tribunal/Labour Court II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ECL and their workman, which was received by the Central Government on 8-3-04.

[No. L-20012/302/90-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2) AT DHANBAD

PRESENT

Shri B. Biswas,
Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act. 1947

Reference No. 97 of 1991

PARTIES: Employers in relation to the Management of
Badjna Colliery of M/s. E.C.L. and their
workman.

APPEARANCES :

On behalf of the workman : None.

On behalf of the employers : Mr. B. M. Prasad,
Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 24th February, 2004

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/302/90-I.R. (Coal-I), dated, the 8th February, 1991.

"Whether the following demands of Shri Dinanath Rai, Driver is justified and if so to what relief is entitled :

- (a) He should be treated as if employed in M/s. Eastern Coalfields Ltd.
- (b) He should be reinstated with full back wages w.e.f. 27th October, 1989.
- (c) He should be paid full back wages at the rates fixed under National Coal Wages Agreement."

2. The case of the concerned workman according to written statement submitted by the sponsoring Union on his behalf in brief is as follows :—

The sponsoring Union submitted that the concerned workman had been working as Driver at Badjna colliery under the management and used to perform job which was permanent in nature and also was directly linked with the production of colliery. They alleged that inspite of rendering service, the management used to pay him wages for below the wages as per N.C.W.A. through intermediary posing him as contractor. They alleged that the said contractor was neither possessing any licence nor the management possessed registration certificate so far engagement of the concerned workman is concerned. They alleged that disbursement of wages through intermediary was nothing but legal camouflage and ruse. They alleged that as the concerned workman raised his protest against the illegal payment of wages below the rate of NCWA-III & IV they became annoyed and taking anti labour policy stopped him from work with effect from 27-10-89. They submitted that after stopping of service the concerned workman submitted representation to the management for his reinstatement in service but that too was refused and for which he through sponsoring Union raised an Industrial Dispute before the ALC(C) Dhanbad for conciliation which ultimately resulted reference to this Tribunal for adjudication. The sponsoring Union submitted that stoppage of service of the concerned workman was not only illegal but also arbitrary and it violated the principle of natural justice. Accordingly the sponsoring union on behalf of the concerned workman submitted prayer for his reinstatement in service with back wages from 27-10-89 and other consequential benefits.

3. Management on the contrary after filling written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring Union asserted in the written statement submitted on behalf of the concerned workman. They submitted that the management of Badjna colliery of Eastern Coalfields Ltd. never employed the concerned workman in the capacity of a driver or any other capacity at any time. Accordingly, question of growing up any employer-employee relationship did not arise at all.

They disclosed that they issue appointment letter besides Identity card to the workman and at the time of such appointment their all particulars are recorded in the Form B Register maintained by the colliery as per Mines Act, 1952 and the Mines Rules. They also pay wages to all its workers directly and a copy of the wage slip is also issued to them at the time of payment of their wages.

They submitted that at the time of conciliation proceedings it transpired that the concerned workman was employed as a Driver by one of the contractor and that he was working at their Dhanbad office. He never worked at Badjna colliery. They submitted that in course of conciliation proceeding it further transpired that the contractor concerned who had his office at Dhanbad terminated the service of the concerned workman and that too long after the expiry of the contract. Accordingly, they submitted that since the concerned workman was never employed by the management of Badjna colliery of Eastern Coalfields Ltd. question of his treating as their employee does not arise at all and for which it is redundant to reinstate him with effect from 27-10-89. In the circumstances management submitted that the demand of the sponsoring Union for reinstatement of the concerned workman is not only absurd but also absolutely unjustified and for which they submitted their prayer to pass award rejecting the claim of the sponsoring Union.

4. POINTS TO BE DECIDED

"Whether the following demands of Shri Dinanath Rai, Driver is justified and if so to what relief he is entitled :

- (a) He should be treated as if employed in M/s. Eastern Coalfields Ltd.
- (b) He should be reinstated with full back wages w.e.f. 27th October, 1989.
- (c) He should be paid full back wages at the rates fixed under National Coal Wages Agreement."

5. FINDING WITH REASONS

It transpires from the record that the concerned workman in order to substantiate his claim examined himself as WW-1. On the contrary management on their part did not adduce any evidence.

Concerned workman during his evidence disclosed that he was Dumper Operator at Badjna colliery under the management. During his evidence he made contradictory statement in relation to his operating Dumper at Badjna colliery. In one occasion while he disclosed that he started working under the management since 1984 in other occasion he disclosed that he worked under the management from 1987 to 1989, continuously. He disclosed that with permanent drivers he used to operate Dumper and during this period his attendance was more than 240 days in a year. He submitted that as he prayed for his absorption

management stopped him from work effect from 27th November, 1989. In spite of his working under the management from 1987 to 1989 the concerned workman has failed to show any appointment letter for operating Dumper. He could also neither be able to produce his identity card issued by the management nor any pay slip showing payment of wages to him for his work. Even he failed to show any paper or log book establish that he used to operate any vehicle. Though he claimed possession of C.M.P.F. paper during hearing he has also failed to produce the same. It is seen that the concerned workman has failed to produce any sort of valid paper to show that as Dumper Operator he worked under the management during the period in question.

6. In the written statement submitted by the sponsoring Union on his behalf though it was claimed that the concerned workman used to receive wages from the management through alleged intermediary posing him as contractor during his evidence he did not make any whisper to that effect. In course of hearing the representative of the concerned workman has failed to satisfy if the facts disclosed in the written statement relating to receipt of wages through intermediary was correct or that he used to receive wages directly from management which he asserted during his evidence was correct. In the written statement the sponsoring Union submitted that disbursement of wages through intermediary was nothing but legal camouflage and ruse. From the evidence of the concerned workman it transpires that from 1987 till October, 1989 he continuously worked under the management and during his evidence he did not make any whisper that he used to receive wages through intermediary. Even he during his evidence he did not utter a single word that he raised protest against illegal payment of wages for below the rate of N.C.W.A. III & IV and for which the management adopting anti labour policy stopped him from work. The facts which sponsoring Union ventilated in the written statement finds no corroboration at all when the concerned workman adduce evidence on oath.

6. Operating of dumper definitely does not fall within the prohibited category of job though the sponsoring Union in the written statement disclosed that the concerned workman was engaged to perform prohibited category of job. However, in support of his claim the sponsoring Union have failed to disclose which prohibited category of job the concerned workman performed under the management during the period in question.

7. Management categorically denied the fact about engagement of the concerned workman as driver at Badjna Colliery. Accordingly, they categorically denied any employer-employee relationship in between them and the concerned workman. If the principle of Sec. 106 of the Evidence Act is taken into consideration in that case onus shifts on the concerned workman to establish that he

performed his duties as Dumper Operator being engaged by the Management. After careful consideration of all the facts and circumstances I find no hesitation to say that neither the concerned workman nor the sponsoring Union inspite of getting ample opportunities has been able to produce minimum document to substantiate the claim that he was engaged by the management as Driver at Badjna Colliery.

8. In view of the facts and circumstances discussed above I therefore, hold that the sponsoring Union have lamentably failed to establish their claim that the concerned workman worked under the management and in each year he put his attendance for more than 240 days. They also have failed to establish with cogent papers that the management stopped him from work as he placed his demand for payment of wages as per N.C.W.A.

Accordingly, the concerned workman is not entitled to get any relief.

In the result, the following award is rendered :—

“The demands of Shri Dinanath Rai, Driver for (1) treating him as if employed in M/s. Eastern Coalfield Ltd., (2) reinstating him with full back wages w.e.f. 27th October, 1989 and (3) paying him full back wages at the rates fixed under National Coal Wages Agreement are not justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 9 मार्च, 2004

का.आ. 842.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुंबई पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय नं.-1, मुम्बई के पंचाट (संदर्भ सं. 20/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-3-2004 को प्राप्त हुआ था।

[सं. एल-31011/19/2002-आई.आर. (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 9th March, 2004

S.O. 842.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 20/2003) of the Central Government Industrial Tribunal/Labour Court Mumbai No. 1 as shown in the Annexure in the Industrial Dispute between the management of Mumbai Port Trust, and their workman, which was received by the Central Government on 5-3-2004.

[No. L-31011/19/2002-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 1) AT MUMBAI

PRESENT

Shri Justice S. C. Pandey,
Presiding Officer

Reference No. CGIT-20 of 2003

PARTIES: Employers in relation to the Management of
Mumbai Port Trust

And

Their workman Shri S.G. Rane

APPEARANCES:

For the Management : Shri M. B. Anchan,
Advocate

For the Workman : Shri Jaiprakash Sawant,
Advocate

State : Maharashtra

Mumbai, dated, the 19th February, 2004

AWARD

1. This is a reference made by the Central Government under clause (d) of Sub-section 1 and Sub-section 2-A of Section 10 of the Industrial Disputes Act (the Act for short) for adjudicating upon an industrial dispute between Shri Samir G. Rane (the workman for short) and the Mumbai Port Trust (the Trust for short). The terms of the industrial dispute are as follows :

“Whether the action of the management of Mumbai Port Trust in reducing the pay of Shri Samir G. Rane by one stage for a period of 3 years is correct and justified? If not, what relief the workman, Shri Samir G. Rane is entitled to?”

2. The undisputed facts of this case are that workman was working as clerk grade I in Docks Department of the Trust. He was holding a permanent post. The workman was served with charge sheet dated 15-6-1999 under Regulation 12 of Employees (Classification, Control and Appeal) Regulation, 1976. He was charged with committing misconduct of violation of Regulation 3(7) of the Regulations passed by under the Major Ports Act. The gist of the allegations was to the effect that Kumari Lalitha Shankar Ghavali had been molested and raped by the workman several times between October, 1996 to February, 1997. She was his domestic servant aged 17 years. A complaint was lodged by her in the Wadala Police Station. By this conduct private life the workman had brought discredit to his employer.

3. The workman replied to the charge sheet by his reply dated 24-6-1999. He denied the charges. Thereupon

an enquiry was held against the workman. The presenting officer examined five witnesses Prakash Dattaram Sawant, Rajesh Kasare, Lalitha Shankar Ghavali, Kala Pradip Gawait and Jayshree Shankar Ghavali. The documents Ex. P to Ex. P10 were filed. All these witnesses were cross-examined. The workman also entered the witness box. The enquiry was conducted between the period of 29-9-1999 to 22-6-1999. Thereafter the inquiry report was submitted by the enquiry officer. It appears from the enquiry report that the enquiry officer considered the evidence on record in paragraph 8.1 to 8.6 in some detail. He found the evidence led by the company defective. He also found that workman gave evidence and had withstood the cross-examination in para 8.6(vii). The report was that it was not proved that the workman committed any misconduct. The conclusion was that misconduct mentioned in the Articles of charges framed against the workman was not proved (Ex.M2).

4. However the competent disciplinary authority issued a show cause notice dated 29-9-2000 (Exhibit M3) requiring the workman to show cause why he should not be punished because it disagreed with the findings of enquiry officer. The proposed punishment was reduction of his pay by three stages from Rs.4000/- to Rs.3730/- in pre-revised scale of Rs. 2250-85-2930-100-4430. The workman represented by letter dated 12-10-2000 (Exhibit M4). Thereafter the order of punishment dated 23-11-2000 was passed after giving the workman a personal hearing. This order was passed by the Traffic Manager Shri C.S.Murthy. By order aforesaid workman was punished with reduction of pay at one stage from Rs.7800 to Rs.7630 for a period of three years in the revised pay scale of Rs.5640-40-5760-170-9500. The workman was not given any increment for period of three years. It was ordered that his pay shall be fixed at Rs. 7800/- after expiry of three years (Exhibit M5). The workman filed appeal against the order dated 23-11-2000 (Exhibit M6). The appellate authority allowed the appeal of the workman by order dated 15-1-2001 (Exhibit M-7). In this order it was held workman was punished "without first giving the appellant an opportunity to explain about the reasons adduced holding him guilty. It appears that Disciplinary Authority had already come to a conclusion even before hearing the appellant or otherwise it would not have indicated the penalty to be imposed on the Appellant." This is fatal flaw, which vitiates the process of enquiry and resultant order. I am therefore inclined to set aside the order and direct the Disciplinary Authority to follow the correct procedure from the stage of receipt of enquiry report and pass order after evaluating the case". The case was remanded to same authority Shri C.S. Murthy, the Traffic Manager.

5. Thereafter Shri C.S. Murthy, the Traffic Manager issued notice dated 30-6-2001. In this notice (Exhibit M8) he gave three reasons for differing with the report of the Enquiry Officer.

"(i) The victim girl and her mother gave enough evidence to come to the conclusion about the C.S.E.'s committing the offence. No girl or her mother would go to such an extent of making a false statement of rape, molestation that brings tremendous shame and disgrace. I do not believe that such a pressing need existed for them in tarnishing the image of CSE. The CSE by his actions inflicted great misery to the victim girl and her family.

- (ii) There is enough evidence to prove that the CSE raped the Victim girl on several occasions by threatening and black mailing which led her to make an attempt to commit suicide.
- (iii) Through the C.S.E. was acquitted by the Honorable Court, it was on benefit of doubt. The Investigating Officer (PW7) confirmed that the C.S.E. confessed to the offence committed and where after FIR was lodged and the C.S.E. was arrested."

Thereafter the order dated 18-8-2001 was passed after giving personal hearing to workman and his defence representative. In the impugned order the workman raised five points :

- (i) The CSE was innocent and was implicated in this case by the girl who is said to be of bad character.
- (ii) The observation that the girl made attempt to commit Suicide is not correct.
- (iii) Some of the witnesses did not turn up for recording their Evidence.
- (iv) The court had acquitted Shri Samir Rane.
- (v) The Enquiry Officer did not hold Sri Samir Gopal Rane Guilty of charges framed against him."

The Disciplinary Authority gave the following reasons:

1. The victim girl and her mother gave evidence to come to the conclusion about the CSEs committing the offence. No girl or her mother would go to such an extent of making a false statement of rape, molestation that brings shame and disgrace. The CSE by his actions inflicted great misery to the victim girl and her family.
2. The evidence of the victim girl indicate that the victim girl was raped by the CSE on several occasions by threatening and black mailing which led her to make an attempt to commit suicide.
3. Though the CSE was acquitted by the Hon'ble Court, it was on benefit of doubt. The Investigating Officer (PW No. 4) confirmed that the CSE confessed to the offence committed and thereafter F.I.R. was lodged and the CSE was arrested.

4. Even though the court acquitted the CSE, it was not an Hon'ble acquittal and the observation of woman judge in her judgment is noteworthy while passing order giving benefit of doubt."

He further stated

"And whereas, in the light of the above, the undersigned finds that there was involvement of the CSE in the incident of rape which became public by way of reports in newspapers and has brought bad name to MbPT."

"And whereas, taking into account all the aspects and the relevant records and having heard the CSE in person, the undersigned in exercise of powers conferred by regulation 8 and 10 read with the schedule to the MbPT Employees (Classification, Control and Appeal) Regulations, 1976 hereby proposes to impose on Shri Samir Gopal Rane a penalty of reduction of his pay by one stage from Rs. 7970/- to Rs. 7800/- for a period of 3 years in the revised scale of pay of Rs. 4640-140-5760-170-9500 with immediate effect. It is further ordered that during the period of reduction, he will not earn increments of pay and on expiry of the period of reduction his pay will be fixed at Rs. 7970/-. It is also ordered that the period of suspension of Shri Samir Gopal Rane be treated as one on suspension only."

6. The workman gave his representation M-10. Thereafter the order of reduction in pay from Rs. 7970 to 7800/- was passed in the clerk grade I (4640-140-5760-170-5950) for a period of three years with immediate effect. The workman's increment for three years was stopped. It was ordered that after expiry of the period of reduction the pay of the workman should be fixed at Rs. 7970/- (Exhibit M-11).

7. It is not in dispute that sub regulation (2) of the Regulation 12 gives power to the disciplinary authority to record its disagreement with the findings of enquiry in respect of any article of charge if evidence is sufficient for this purpose. It is also not in dispute that punishment was imposed upon the under regulation 8(v) which comes under the heading of Major Penalties regarding regular enquiry as per regulation 12.

8. The parties have argued the case on the basis of documentary evidence filed on behalf of the management of Trust. It consists of entire proceedings of enquiry. It would be clear that the Appellate Authority had remanded back the case to the disciplinary authority for the reason that it had appeared to it that it had already held that workman committed misconduct because he had given the following reasons for disagreeing with the enquiry report without hearing the workman and indicated what penalty may be imposed upon the workman tentatively.

"(i) The victim girl and her mother gave enough evidence to come to the conclusion about the CSE's committing the offence. No girl or her mother would go to such an extent of making a false statement of rape, molestation which brings tremendous shame and disgrace. I do not believe that such a pressing need existed for them in tarnishing the image of CSE. The CSE by his actions inflicted great misery to the victim girl and her family;

(ii) There is enough evidence to prove that the CSE raped the victim girl on several occasions by threatening and black mailing which led her to make an attempt to commit suicide.

(iii) Though the Case was acquitted by the Honorable Court, it was on benefit of doubt. The Investigating Officer (PW-7) confirmed that the CSE confessed to the offence committed and where after FIR was lodged and the CSE was arrested."

9. It would also be clear that the same officer Shri C.S. Murty repeated the same reasons for disagreeing with the enquiry report. The reasons have been reproduced in paragraph 5 of the award. The language is identical. The only difference between Exhibit M-8 and Exhibit M-5 is that instead of stating his conclusion the Disciplinary Authority in Exhibit M-8 it says that it is 'inclined to disagree'. Here it is clear that there was no fresh application of mind while issuing show cause notice Exhibit M-8. Under these circumstances only view that is possible is that the same enquiry officer did not find it necessary to go through the record again. There is another reason that Shri C.S. Murthy had committed himself in writing twice firstly by issuing Exhibit M-5 and then by issuing Exhibit M-8 that there were three good reasons for disagreeing with the enquiry officer. Therefore the personal hearing was an empty formality. Thereafter in Exhibit M-9 more or less same reasoning is repeated. Then it is interesting that after giving 4 reasons the disciplinary authority refers to reports in newspapers. The reports do not form part of record. The disciplinary authority allowed itself to be influenced by foreign material for coming to the conclusion that the name of the company is discredited. The appellate authority should have transferred the case to another officer or Shri C.S. Murthy should not have heard the case. That apart it does not appear that the disciplinary authority was right in disagreeing with the findings of the enquiry officer on the grounds mentioned by him. This Tribunal therefore has examined the evidence on record in exercise of powers under Section 11-A of the Act because this is one of the fit cases for doing so.

10. The crucial witness for proving the charge of rape against the workman is Kumari Lalitha. This Tribunal has considered her evidence. This does not appear to be case of rape. She appears to be a consenting party even her

evidence is accepted *in toto*. It appears that the girl was employed. It may be probable that the workman may have taken advantage of this situation to have illicit relations with her. This fact is clear from the at Sai Krupa lodge and Udiipi Lodge. Her mother Jaysbri Shankar Ghavali admitted that she told lies to her that she is going to a marriage. The questions 21 and 27 put to Lalitha Ghavali in cross-examination show that she could not properly explain the fact that despite the opportunities at her command why she did not report the matter to her mother that she was raped. On the other hand she went with the workman willingly. The competent disciplinary authority has wrongly thought that no woman would make a false accusation. It is on record that the girl had taken Vicks tablets because she may have felt betrayed because of false promises. When the things became clear that she was seduced she may have made the report. The evidence on record suggests that she was accompanied by a social worker Mrs. Thatte for lodging the FIR. We do not know how her statement was recorded. In this connection it may be noted that the workman entered the witness box. He denied the allegation. There is no evidence against the workman except the word of Kuma Lalitha Ghavali. Therefore considering the fact that the enquiry officer had exonerated the workman, and so also the Criminal Court, the Disciplinary Authority should not have punished the workman on moral grounds but on oral examination of facts. Since the charge against the workman has not proved in the Criminal Court, it cannot be said that the reputation of the company was lowered on account of rape committed by him. The workman cannot be charged because Kumari Lalitha Ghavali thought it proper to lodge FIR against him. There was no evidence on record that the matter was published in papers but the disciplinary authority took the fact of publication into account. Even if the matter was published in newspapers, it cannot be said that charges against the workman stood proved.

11. In paragraph 10 above the evidence of the witnesses was examined from the point of view if rape was proved. This Tribunal independently examined the evidence of Kumari Lalitha Ghavali as against that of workman. This tribunal finds that Kumari Lalitha's evidence is partly reliable. It is not in dispute that she was employed as a maidservant by the wife of the workman. This Tribunal relied on the evidence of Lalitha Ghavali to hold that the workman had developed illegal relationship with the girl. He had sexual relations with her. It appears that she was a consenting party. She has given details of meeting places. She had gone to Shirdi with the workman. This statement too appears to be reliable. The cross-examination of this witness and the entire evidence of the workman are for false accusation. The motive for false implication does not appear to be strong. The maidservant of a deprived class would not do to hurl a totally false accusation. Her evidence is corroborated by her story, which she has stated clearly. She was not upset by searching cross-examination. Her mother also supports her so far as sex relations are

concerned. The evidence of workman is that of denial. However his version and defence does not explain why the girl accused him. The defence is unrealistic. His evidence cannot be relied upon.

12. The aforesaid findings independently recorded by this Tribunal in exercise of its power under Section 11A of the Act may now be summarized. It is found that the evidence on record shows that the workman did not rape Kumari Lalitha Ghavali. He must have probably seduced her. It appears that she was consenting party to the sexual advances made by the workman. As it happens in such cases, the workman must have created an atmosphere conducive to his designs and must have give exaggerated promises and when the true facts came to the knowledge of the victim, she in her innocence thought that she could commit suicide by eating excess number of Vicks tablets. She had to be taken to the hospital. It is at this stage true facts must have been noticed by the mother of the girl and others. It is precisely after that FIR has been made. The succession of events tells one story that the workman cannot be held guilty of rape. He is now acquitted. This Tribunal does not accept the version of the girl that she was raped against her will several times under fear. The version of the girl shows that she only exaggerating half truth.

13. The question that arises whether the private conduct of the workman can to be said to be reasonable or decent standard on his part. Does it in any way spoil the reputation of the trust? In such cases it is very difficult to draw the line. From the point of view of the victim, it is entirely a reprehensible conduct if she was exploited due to weak economic circumstances. However the girl herself does not say so. From the point of view of the workman, he can claim that he was seduced by the girl. He does not say so. From the point of view of the trust, the criminal report lodged against the workman tarred its reputation because the case of the rape became known to the world. It can be argued that the fact that the workman brought upon a situation by seducing the girl was enough for the company to hold that he did maintain decent and reasonable standard of life such as conclusion is warranted by the findings recorded by this Tribunal that workman was not careful enough to avoid a situation in which there was a probability that reputation of trust is marred. It may be that he was not responsible for lodging the FIR. It may be that he was acquitted and thereby the taint of rape in the criminal trial was wiped out and the FIR became an irrelevant document so far its contents were conserved except the fact that it was lodged. However as per independent findings of this Tribunal the workman indulged himself in a sex imbroglio. It immaterial whether he was the seducer or seduced. The fact remains that he could have reasonably foresee that trouble was likely to be created by the girl if he jilted her and being a married man he could not do otherwise. It may be that lust got better of him, but it its train, brought ill

name to the Trust, when he was charged and arrested for rape. He cannot escape the consequences of his actions by saying there was no nexus of the fact of lodging of FIR and his sexual adventures. The conclusion is inescapable that workman is guilty of charges framed for the reasons recorded by this Tribunal and this Tribunal passes further order under Section 11-A of the Act that punishment imposed upon the workman is justified and no interference is called for in that part of the order.

14. The reference is answered by stating that the management of Mumbai Port Trust rightly reduced the pay of the workman by one stage for a period of three years. The workman is not entitled to any relief. No costs.

S.C. PANDEY, Presiding Officer

नई दिल्ली, 10 मार्च, 2004

का.आ. 843.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (संदर्भ सं. 94/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-3-2004 को प्राप्त हुआ था।

[सं. एल-12012/126/2003-आई.आर.(बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 10th March, 2004

S.O. 843.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 94/2003) of the Central Government Industrial Tribunal-Cum-Labour Court Lucknow as shown in the Annexure, in the Industrial dispute between the management of Bank of India, and their workmen, which was received by the Central Government on 10-03-2004.

[No. L-12012/126/2003-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT LUCKNOW

I. D. No. 94/2003

Ref. No. L-12012/126/2003-IR(B-II) dated 18-9-03

BETWEEN

Sri Ashok Kumar S/o Late Sh. Maujilal
R/o Gawal Toli, Fategarh, Janpad
Farukhabad, U.P.

AND

The Manager, Bank of India
Fategarh, Farukhabad

AWARD

The Government of India, Ministry of Labour vide their order No. L-12012/126/2003-IR(B-II) dated 18-9-2003

referred the following issue for adjudication to CGIT-cum-Labour Court, Lucknow;

“Whether the action of the Management of Bank of India in terminating the services of Shri Ashok Kumar s/o Late Shri Mauji Lal w.e.f. 26-11-2001 is legal and justified? If not, what relief the concerned workman is entitled to?”

While sending order for adjudication to this court notices were issued to the worker Sri Ashok Kumar S/o Late Mauji Lal and Manager, Bank of India, Fategarh, Farukhabad but the worker did not file the statement of claim within the stipulated period.

The court issued notice by registered post to the worker as well as to the management, but even then the parties did not appear in the case or filed the statement of claim or written statement.

In view of above the issue can not be adjudicated upon and accordingly the reference is unanswered.

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 10 मार्च, 2004

का.आ. 844.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ सं. 57/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-3-2004 को प्राप्त हुआ था।

[सं. एल-12012/41/2002-आई.आर.(बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 10th March, 2004

S.O. 844.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 57/2002) of the Central Government Industrial Tribunal-Cum-Labour Court Chennai as shown in the Annexure, in the Industrial dispute between the management of Canara Bank, and their workmen, which was received by the Central Government on 10-03-2004.

[No. L-12012/41/2002-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 2nd January, 2004

PRESENT:

K. JAYARAMAN, Presiding Officer

Industrial Dispute No. 57/2002

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between

the Management of Canara Bank and their workman Sri N. Sundara Rajan)

BETWEEN

Sri N. Sundara Rajan, : I Party/Workman

AND

The General Manager, : II Party/Management
Canara Bank, Bangalore

APPEARANCES:

For the Petitioner : M/s. K. V. Ananthakrishnan
& V. Chandrasekar, &
K. P. Maralidharan,
Advocates.

For the Management : Mr. T. R. Sathiy Mohan,
Advocate

AWARD

The Central Government, Ministry of Labour vide Notification Order No. L-12012/41/2002-IR(B-II) dated 18-06-2002 has referred the following dispute to this Tribunal for adjudication:—

“Whether the action of the management of Canara Bank in ordering compulsory retirement from service to Sri N. Sundara Rajan is legal and justified? If not, what relief the concerned workman is entitled to?”

2. After the receipt of the reference, it was taken on file as I.D.No. 57/2002 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations of the Petitioner in the Claim Statement are briefly as follows:—

The Petitioner after having served the Indian Navy for ten years joined the Respondent/Bank as a clerk in the year 1984 and he was working as a clerk in Alanthurai branch of the Respondent in 1999. On 30-3-99 one Sri T.R. Chinnappan who was the customer of Respondent/Bank drawn a self cheque from his S.B. account No. 2064 and authorised his clerk Thirunavukkarasu to receive the same. The passing officials passed the cheque and the said amount was paid to the authorised representative. On the same day Mr. Ravichandran S/o. T. R. Chinnappan deposited cash in current Account No. 148 maintained by M/s. Ravi Electricals. The Petitioner received and certified the payment and accounted amount in cash receipt. While so, the Petitioner was charge sheeted by the Respondent/Bank on 21-6-99 alleging that he failed to account Rs. 1500/- remitted by customer in the books of accounts of the bank, secondly, misappropriated the sum of Rs. 1500/-, thirdly tampered and destroyed the documents and suppressed the said fact and fourthly, influenced the customer for an out of bank settlement. Preliminary oral enquiry was held on 8-9-99 and the Petitioner denied the alleged charges as

false, fabricated and baseless and an explanation was called for from the Petitioner and having not satisfied with the same, a departmental enquiry was ordered. In that enquiry, the Respondent/Bank marked ten exhibits and examined six witnesses. On 21-12-99, the Enquiry Officer has given a finding that charges framed against him were proved. The Petitioner's objection to the enquiry findings were of no use. The Disciplinary Authority has passed the final order dated 25-4-2000 dismissing the Petitioner from service. Against that order, the Petitioner preferred an appeal before Appellate Authority, who has modified the dismissal into one of compulsory retirement. The said findings and also orders passed by the Disciplinary Authority and Appellate Authority are erroneous, biased, unjust and against the evidence and documents available in the enquiry. The Enquiry Officer has not given any opportunity to the Petitioner for appointing an advocate to assist him in the enquiry. The enquiry was not fair and proper and the Enquiry Officer relying on the false evidence given by the witnesses had come to the wrong conclusion. Even the material documents were not produced. The conclusion arrived at by the Enquiry Officer is perverse. Therefore, the Petitioner prays this Tribunal to pass an award in his favour.

4. As against this, the Respondent even though admitted the appointment of the Petitioner has alleged that while the Petitioner was working as Clerk at Alanthurai branch on 30-3-99, on behalf of M/s. Ravi Electricals an amount of Rs. 1500/- paid in Current Account No. 148 from the proceeds of cash cheque in S.B. Account No. 2064 and again they have remitted another sum of Rs. 1500/- by cash, the Petitioner Mr. Sundararajan accounted for the adjustment of cash cheque in S. B. Account No. 2064 to Current Account No. 148. Then he received the another amount of Rs. 1500/- by cash on the same day and also received token of counterfoil from the customer. The cash remittance was not accounted for in the books of accounts of the bank. Further the Petitioner has released the counterfoil in token of having received the cash by the bank. When the customer approached the bank for verification of his account, the fact came to light. Further the customer also produced the counterfoil in support of his claim and when the counterfoil was handed over to the Petitioner for verification, he destroyed the counterfoil for the remittance of Rs. 1500/- by cash by the customer. Further, he has also approached the customer for an out of bank settlement for this issue. Not satisfied with the explanation given by the Petitioner, the domestic enquiry was ordered and the Petitioner was given an opportunity in the enquiry and he was also provided with assistance of a co-worker and copies of all documents were given to Petitioner. Therefore, the domestic enquiry was conducted fully in conformity with the principles of natural justice. It is false to alleged that the Enquiry Officer's findings are perverse. Only after relying on the evidence and material documents available in enquiry, the Enquiry Officer has

come to the conclusion that the charges have been proved and only after considering the case of the Petitioner, the Disciplinary Authority has given the punishment and similarly the Appellate Authority has also after considering the entire case on humanitarian basis has reduced the punishment. While the case was pending, the account-holder in his letter dated 19-8-99 has informed that he has arrived at a settlement with the Petitioner through a panchayat and therefore, he is withdrawing the complaint even against the Petitioner. Therefore, it is clearly proved that the Petitioner has approached the accountholder for an out of bank settlement. Therefore, all the charges framed against the Petitioner have been duly proved by records. Therefore, the allegation of the Petitioner against the enquiry is false and baseless. Hence, the Respondent prays that the claim may be dismissed with costs.

5. In these circumstances, the points for my consideration are —

- (i) "Whether the action of the management of Canara Bank in ordering the compulsory retirement from service to the Petitioner is legal and justified?"
- (ii) "To what relief, the Petitioner is entitled?"

Point No. 1 :—

6. The admitted case of the parties in this case is that on 30-3-99 while the Petitioner acted as cashier, on Mr. T. R. Chinnappan who was the customer of the Respondent/Bank at Alanthurai drawn a self cheque for Rs. 1500/- from his S. B. account No. 2064 and authorised his clerk Mr. Thirunavukarasu to receive the same. On the same day, Mr. Ravichandran, S/o. T. R. Chinnappan deposited cash in the current account No. 148 maintained by M/s. Ravi Electricals. The Petitioner received and certified the payment and accounted into cash book receipts.

7. On behalf of the Respondent, it is contended that even after Mr. T. R. Chinnappan issued self-cheque he has asked his clerk Mr. Thirunavukarasu to deposit the said amount also in the current account and as such he has deposited the same in Current A/c. No. 148 maintained by M/s. Ravi Electricals. Therefore, according to the Respondent there are two payments to the current account No. 148 on the same day. But the passbook revealed only one payment of Rs. 1500/- and at the same time, they have got two counter foils for payments of Rs. 1500/- each for the current account No. 148.

8. Before going into the details, we have to see the deposit and withdrawals in 'Manual of Instructions' of Savings Bank and Current Account in Canara bank. para 6.1.2. which says with regard to deposits "*where cash is deposited the counterfoil of the challan is to be handed over to the depositor duly signed by the supervisor, incharge of the cash receipt waste. The challan is entered in the cash receipts waste and then passed on to ledger clerk. Under no circumstances should the challan be*

passed on through the customers themselves." According to the then Manager of Canara bank, Alanthurai, he has instructed the staff to adhere the instructions scrupulously and no deviation is to be made in any quarters and it is his further evidence that two counterfoils produced by M/s. Ravi Electricals at the time of complaint contain the signature/initial of the cashier namely the Petitioner herein and also the cash supervisor namely Mr. N. S. Iyer. But, strangely enough the said Mr. N. S. Iyer whose evidence is material in this case has not been examined for the reasons best known to the management. In the enquiry, before the Enquiry Officer, the Manager and also the Owner of M/s. Ravi Electricals namely Sri T. R. Chinnappan have clearly stated that the counterfoil contain the signature of the cashier and also the cash supervisor. Under such circumstances, it is strange for what reason even the Investigation Officer has not examined the said cash supervisor namely Mr. N. S. Iyer and also not produced the shroff book or cash waste before the enquiry. In this case, the charge framed against the Petitioner is that he failed to account Rs. 1500/- remitted by the customer M/s. Ravi Electricals in the books of accounts of the bank, secondly, he misappropriated above said sum of Rs. 1500/-; thirdly, tampered and destroyed the documents and suppressed the said act and lastly he influenced the customer for an out of bank settlement. In this case, the then Manager of the Alanthurai branch Mr. Gopalan has been examined in enquiry as MW6. He has clearly stated that on the date of the complaint, he has seen two counterfoils of M/s. Ravi Electricals on 7-4-99. Since on that date the Petitioner was on casual leave, he asked the customer to come on the next working day. On 12-4-99 from M/s. Ravi Electricals, the clerk Mr. Thirunavukarasu has brought the bounded counterfoil book and since lot of customers were in the cabin he could not verify it and asked him to wait there, but subsequently, M/s. Ravi Electricals had phoned him that one counterfoil was missing and he came to the conclusion that the Petitioner has destroyed one of the counterfoils and he has seen that there is a gap in the counterfoil and therefore, he presumed that it was taken away by the Petitioner herein. He further stated that at the first instance when he has seen the counterfoil, two counterfoils were written by the same person. Under such circumstances, the management must have verified the cash shroff or cash waste before coming to the conclusion that the Cashier has taken the amount and also the counterfoil. Further, when the Manager of the Respondent/bank has categorically stated that he has seen the supervisor's initial in the counterfoil, he must have been examined and got a statement of the supervisor immediately on that date. But, neither the Manager nor the Investigation Officer has enquired the cash supervisor whether the challan has been initialled or whether the entry has been made in the cash shroff. Without going through the documents and without examining the said supervisor, they had come to the conclusion that the amount has been paid into bank and

the Petitioner has misappropriated the amount of Rs.1500/- namely the payment made in one challan. If really, the amount has been paid to the cashier namely the Petitioner and if really, the supervisor has initialled the challan, the supervisor must also be involved in this case and he must have also been charged for the alleged offence committed in this case. But for the reasons best known to them, the Respondent/Bank authorities have not taken any steps in this regard. Similarly, the proprietor of M/s. Ravi Electricals Mr. T.K.Chinnappa while he was examined as MW3 has stated that he first gave Ex.ME3 namely letter dated 13-4-99 and subsequently he has given Ex.ME2 dated 12-4-99. He further admitted in the cross examination that he did not know the exact date on which he has given Ex.ME2, probably after ten days of Ex.ME3, therefore, he might have been given the same, i.e. Ex.ME3 must have been given on 23-4-99. When we see letters Ex.ME2 and ME3, in Ex.ME3 it is mentioned that he has mentioned that he has given a letter on 12-4-99, but actually it is admitted by the witness that he has given the letter dated 12-4-99 ten days after 13-4-99. Therefore, doubt will arise regarding genuineness of these two letters. In this context, we must see the allegation of the Petitioner against the Manager, wherein the Petitioner averred that he has got some grievance against the Manager and the Manager has cooked up this case and has made the Petitioner as a scapegoat and he has not done anything contrary to the bank rules and regulations. As I have already stated the bank purposely not examined the cash supervisor and purposely not produced the document of cash waste before the enquiry only to safeguard the cash supervisor.

9. As against this, the learned counsel for the Respondent argued that if really, the Petitioner has not done any mistake in this case, there is no reason for approaching the customer namely M/s. Ravi Electricals for out of bank settlement. From Ex.M16, it is clear that the Petitioner has approached the panchayathar and the customer M/s. Ravi Electricals have requested the bank to withdraw the complaint given by them and therefore, it is clearly established that the Petitioner has misappropriated the amount paid by M/s. Ravi Electricals and has paid the amount out of his pocket to the said M/s. Ravi Electricals and asked the proprietor of M/s. Ravi Electricals to withdraw the case. Thus, he entered an out of bank settlement. This is also a grave misconduct on the part of the Petitioner. But merely because that M/s. Ravi Electricals had written a letter that they are willing to withdraw the complaint against the Petitioner from bank with regard to payment of Rs.1500/-, it cannot be concluded that the Petitioner has approached M/s. Ravi Electricals for out of bank settlement. Further, even assuming for an argument sake without conceding that he has approached M/s. Ravi Electricals for a settlement, I think, it is only to purchase

peace and to safeguard his interest in the bank. Under such circumstances, it cannot be held that the Petitioner has misappropriated the amount paid by M/s. Ravi Electricals and he has done a misconduct by approaching the customer for settlement out of the bank and so on.

10. As against this, learned counsel for the Petitioner argued that even in the B.B. challan/cheque produced by M/s. Ravi Electricals, on the back side in denomination column, it is clearly mentioned as 100 x 15 namely Rs.1500/- has been paid. The Petitioner has presented the cheque and he argued that the cheque amount has to be deposited into current account No. 148; there need not be any mention of denomination and it should be only as transfer of amount from B.B. Account to Current Account. Neither the management nor M/s. Ravi Electricals produced the counterfoil for this amount for deposit of the same into current account. Under such circumstances, there cannot be two payments towards current account No. 148 on 30-3-99 and the Manager has cooked up the case against the Petitioner only to ventilate his grievance against the Petitioner.

11. I find some force in this contention because, if really the cheque amount has to be transferred to current account No. 148 of M/s. Ravi Electricals, there need not be any mention about denomination. From these circumstances, it is clear that the amount has been received from the cash counter through a cheque. Under such circumstances, I can very well conclude that the allegation that the amount has been paid through another challan and the challan has been destroyed by the Petitioner is of a cock and bull storey against the Petitioner. In this case, even though investigation official has been appointed and even though domestic enquiry has been conducted against the Petitioner, they have not seen the material documents which clearly prove the payment of cash towards the current account twice. Under such circumstances, I find the cash remitted with current account on 30-3-99 was only Rs.1500/- and not twice as alleged by the Respondent side and it is false to allege that the Petitioner has misappropriated this amount. As such, I find this point in favour of the Petitioner.

Point No.2:-

The next point to be decided in this case is to what relief the Petitioner is entitled?

12. In view of my finding that the alleged misappropriation by the Petitioner is a false one, I find the Petitioner Sri N.Sundararajan is entitled to claim as prayed for and I direct the Respondent/Canara Bank to reinstate the Petitioner into service with all attendant benefits. This matter is pending from the year 2000, therefore, I find for this long period, the Petitioner Sri N.Sundararajan is entitled to only 50% (fifty per cent) of the back wages. No Costs.

13. The reference is answered accordingly.

(Dictated to the P. A. transcribed and typed by him, corrected and pronounced by me in the open court on this day the 2nd January, 2004.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined:-

On either side : None

Documents Marked:-

For the I Party/Workman:-

Ex. No.	Date	Description
W 1	07-12-94	Appreciation letter issued by bank to Petitioner
W 2	02-01-97	Xerox copy of the promotion letter
W 3	18-02-97	Xerox copy of the appreciation letter from the Bank.
W 4	12-12-98	Xerox copy of the letter issued by bank with regard To written test intimation.
W 5	14-12-98	Xerox copy of the intimation given by bank with Regard to test of Junior Management Scale I
W 6	08-12-97	Xerox copy of the letter from Respondent/Bank Regarding the written test held on 9-11-97
W 7	30-03-99	Xerox copy of the current account challan foil of Ravi Electricals.
W 8	30-03-99	Xerox copy of the cheque with an endorsement.
W 9	19-11-99	Xerox copy of the letter from Mr. A.Ravi to Enquiry Officer.
W 10	19-04-99	Xerox copy of the letter from Raghunathan to Investigating Officer
W 11	Nil	Xerox copy of the ledger account No. 148
W 12	Nil	Xerox copy of the ledger account No. 2064
W 13	Nil	Xerox copy of the shroff cash book receipts
W 14	Nil	Xerox copy of the manual of instructions For S.B. & Current Account.

For the II Party/Management:-

Ex. No.	Date	Description
M 1	21-06-99	Xerox copy of the charge sheet.

M 2	23-06-99	Xerox copy of the explanation to charge sheet
M 3	08-09-99	Xerox copy of the enquiry proceedings
M 4	21-12-99	Xerox copy of the enquiry findings.
M 5	10-04-2000	Xerox copy of the letter from Petitioner To Disciplinary Authority
M 6	22-04-2000	Xerox copy of the letter from Petitioner To Deputy General Manager
M 7	22-04-2000	Xerox copy of the proceedings of Disciplinary Authority
M 8	22-04-2000	Xerox copy of the written submissions made on behalf of the applicant.
M 9	25-04-2000	Xerox copy of the order of dismissal passed by Respondent/Bank.
M 10	13-05-2000	Xerox copy of the proceedings of the General Manager.
M 11	13-11-2000	Xerox copy of the proceedings of Deputy General Manager
M 12	20-04-99	Xerox copy of the letter from Officer, Regional Office To Divisional Manager, Regional Office.
M 13	12-04-99	Xerox copy of the letter from Ravi Electricals to Branch Manager, Alandurai
M 14	13-04-99	Xerox copy of the letter from Ravi Electricals to Branch Manager, Alandurai
M 15	19-04-99	Xerox copy of the letter of TR Chinnappan
M 16	19-08-99	Xerox copy of the letter from Ravi Electncals.
M 17	30-03-99	Xerox copy of the credit challan for Rs 1500/-.
M 18	30-03-99	Xerox copy of the cash payment cheque for Rs 1500/-
M 19	19-04-99	Xerox copy of the letter from Ravi, Clerk Madukkarai branch.
M 20	19-04-99	Xerox copy of the letter from Mr Gopalan Branch Manager Alandurai to investigating officer.
M 21	15-04-99	Xerox copy of the letter from Branch Manager Alandurai to Divisional Manager Madurai.

नई दिल्ली, 10 मार्च, 2004

का.जा. 845.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय नं० 2, नई दिल्ली के पंचाट (संदर्भ सं. 49/96) को प्रकसित करती है, जो केन्द्रीय सरकार को 10-3-2004 को प्राप्त हुआ था।

[सं. एल-12012/89/95-आई.आर.(बी-II)]

सी. गंगधरन, अवर सचिव

New Delhi, the 10th March, 2004

S.O. 845.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 49/96) of the Central Government Industrial Tribunal-Cum-Labour Court No. 2, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 10-3-2004.

[No. L-12012/89/95-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER :
CENTRAL GOVERNMENT

INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-II

Presiding Officer: R.N. Rai.

LD No. 49/96

In the Matter of:—

V. K. Grover

Versus

Canara Bank

AWARD

The Ministry of Labour vide its letter No. 12012/89/95 Dt. 16-4-1996 has referred the following points for adjudication. The point runs as hereunder:—

“Whether the action of the management of Canara Bank, New Delhi in posting Shri V.K. Grover as ordinary clerk instead of Special Assistant on his reversion from Officer's Grade w.e.f. 13-2-1989 is legal and justified? If not, to what relief is the said workman entitled to?”

The claimant has filed statement of claim.

The claimant has stated in his claim that he was initially appointed as clerk w.e.f. 4-9-1972 at Delhi and he was subsequently promoted first as a Head Clerk on 11-11-1980 and then as a Special Assistant on 11-11-1981 which was followed by his promotion as an

Accountant in Officer's Cadre under the State Service of Officers w.e.f. 7-1-1983 in the erstwhile Lakshmi Commercial Bank Ltd. That Lakshmi Commercial Bank Limited was subsequently amalgamated with Canara Bank, a nationalized bank.

It has been further submitted by the workman that he was transferred to Secunderabad on 10-09-1986 but the above transfer of Shri Grover was not put into effect. He was thereafter asked to join Vishakhapatnam in the extreme South. It has been further submitted that he wrote several letters regarding his difficulty but to no effect. At last he wanted to remain at the previous place of posting. He did not report to duty at the place of his posting. It has been further submitted that when his application was rejected, he wrote a letter that it was not possible for the management to retain him as an officer in Delhi. He may be reverted back to the workman cadre in Delhi and accordingly, he has been reverted to the workman cadre.

It has been further submitted that one or two persons of the similar conditions were reverted to Special Assistant whereas he was reverted to the workman cadre as clerk which is discriminatory.

The management has filed written statement. In the written statement, it has been stated that the workman himself wrote several letters to the bank that his reversion to clerk is acceptable to him which has been marked as W/1, W/2, W/3, and W/4. It has been further submitted that he accepted the post of clerk according to his own request and he remained posted in Delhi and he was reverted at the post of clerk. He raised no objection and he accepted the post of the clerk.

The workman has filed rejoinder. In his rejoinder, he has denied certain paragraphs of the written statement and said that discrimination was made with him. Some persons who refused promotion were reverted to Special Assistant whereas he was not reverted to Special Assistant. The workman has written letter dt. 24-09-1990 in which he has accepted to be reverted to clerical cadre since it is his own admission, that is the best proof. It is no ground that one or two persons under special circumstances were reverted to Special Assistants, they might not have admitted that they should be reverted to the clerk grade.

Heard arguments from both the sides and perused the documents on the record.

It was submitted from the side of the workman that discrimination was made with the applicant workman. One person was reverted to Special Assistant whereas this workman was reverted to the clerk grade. It was submitted from the side of the management that he has himself admitted in his letter mentioned above that he agreed to the post of the clerk grade. If, there is clear cut admission in writing find that there is no force in the reference.

From the side of the workman my attention was drawn to M. P. 1979 LAB 1 1381, Orissa 1986 LAB1

1312, SC 1971 LAB1 1114SC 1973 LAB1 791 1974 LAB1 587 SC 1972 LAB1 1190. From the side of the management my attention was drawn to 1782 I.C 1381 Orissa 1996 L. I. C. 629 1986 L.I.C. 1312 1974 L.I.C. 587 1973 L.I.C 7911. I have gone thoroughly through these citations. These citations are relevant and applicable in the facts and circumstances of the present case. I have gone through the citations filed by the workman also. The laws laid down by the Apex Court and the Hon'ble High Court are not applicable in the facts and circumstances of the case.

The workman is not entitled to get any relief. The point referred to is replied as thus:—

The action of the management of Canara Bank, New Delhi in posting Shri V.K. Grover as Ordinary Clerk instead of Special Assistant on his reversion from Officer's Grade w.e.f 13-2-1989 is legal and justified and the workman is not entitled to any relief asked for.

R.N. RAI, Presiding Officer

नई दिल्ली, 11 मार्च, 2004

का.आ. 846.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सादर रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ सं. आई०डी०2/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-3-2004 को प्राप्त हुआ था।

[सं. एल-41012/114/92-आई.आर.(बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 11th March, 2004

S.O. 846.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I. D. No. 2 of 1996) of the Central Government Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Southern Railway and their workman, which was received by the Central Government on 10-03-2004.

[No. L-41012/114/92-IR(B-I)]

AJAY KUMAR, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVT. LABOUR COURT, CHENNAI

PRESENT:

Thiru K Ramasubramanian, B.Sc, B. L.
Presiding Officer

Tuesday the 6th day of January, 2004

Central Government Industrial Dispute No. 2 of 1996

Between :

Smt. Rani,
C/O Thiru S. Bakthavatsalu.
T.U. Official, 51, Muthamma Koil Street,
Chennai 23.

AND

The General Manager, (Law)
Southern Railway, Park Town, Chennai 3.

AWARD

This industrial dispute has been referred to this court for adjudication between the work woman Smt. Rani and the management of the General Manager (Law), Southern Railway, Chennai, by the Govt. of India, Ministry of Labour, by order No. L 41012/114/92-IR (B-I), dated 5-1-1996 on the following issue :—

“Whether the action of the management of Southern Railway, Madras, in terminating the services of Smt. Rani, woman Khalasi from 31-5-1980 and declining to extend pay parity and her attendant benefits as per the Railway employees is just, proper and legal?

2. The petition averments are :— The petitioner was working as woman Khalasi during the period from 1-1-59 to 31-5-1980 for cinder picking and ash removal work in the loco shed, Basin Bridge, Mechanical Department in Madras Division. the petitioner is a work woman under section 3 (7) of the Railway Act, 1890 and section 2(s) of the I.D. Act. The workers who had performed the similar nature of work at Trivellore and Ponneri were paid monthly salary while the petitioner was terminated from service. The retrenchment was made without following section 25-N of the I.D. Act. The recognised union preferred representation before the General Manager, Southern Railway and the General Manager directed the Divisional Railway Manager, Madras Division to extend all the benefits as per the letter dated 16-11-1981. The service of the petitioner was retrenched due to the electrification of the Railway. The petitioner is entitled to get Rs. 1,45,870/- as per the statutory benefits.

3. The counter averments are:— Coal contractors were utilized to remove the ashes. The petitioner was one of the coolies engaged by one of the contractors. The petitioner was not at all employed by the respondent as khalasi. The respondent has not issued any appointment letter. There was no employer employee relationship between the petitioner and the respondent. So. the petition is liable to be dismissed.

4. The point for consideration is:

“Whether the action of the management of Southern Railway, Madras, in terminating the

services of Smt. Rani, Woman Khalasi from 31-5-1980 and declining the extend pay parity and her attendant benefits as per the Railway employees is just, proper and legal?

5. The Point: On the side of the petitioner, the petitioner was examined as W.W.1 and Exs. W.1 to W. 8 were marked. On the side of the respondent one Prithiviraj was examined as M.W.1 and no documents were marked.

6. The petitioner contended that she was appointed as khalasi in the year 1959 and she was working from 1-1-59 to 31-5-1980.

7. The respondent contended that there is no relationship of employer and employee between the Petitioner and the respondent and only the coal contractors engaged people to remove the ash.

8. The petitioner claims statutory benefits of Rs. 1,45,130/- The petition was filed under section 2/A of the I.D Act. The prayer of the petitioner is against the pleadings. The petitioner contended that she was terminated from service. So, the prayer should have been drafted as per section 2-A of the K.D Act. But here the prayer is for computation of benefits. So, the prayer must be in accordance with the pleadings.

9. The petitioner had filed proof affidavit. In that also the petitioner had prayed for statutory benefits. It is not the evidence of the petitioner that she has to be reinstated. Perused Exs. W.1 to W.8 These documents do not contain the name of the petitioner. Exs. W. 7 and W. 8 and the copies of petitions presented by the petitioner to the Central Conciliation Officer in Madras. The petitioner has not filed the order passed by the Labour Officer.

10. It is the case of the respondent that the petitioner was engaged to remove the ash only by the contractor. The petitioner has not at all denied it in her evidence. There is no evidence to show that the petitioner was employed by the respondent directly. There is no employer and employee relationship between the petitioner and the respondent. The petitioner has not at all established her case. Hence, the question of terminating the services of the petitioner by the management of Southern Railway does not arise. I answer the point accordingly.

11. In the result, an award is passed holding that the petitioner is not entitled to any relief since she was not terminated by the management of Southern Railway and there is no relationship of employer and employee between the petitioner and the respondent. No costs.

Dated at Chennai, this the 6th day of January, 2004.

THIRU K. RAMASUBRAMANIAN, Presiding Officer

LIST OF WITNESSES EXAMINED:

For the work-woman

W.W.1-G. Rani

For the Management

M.W.1-Prithiviraj

LIST OF EXHIBITS MARKED:

(The documents marked are only xerox copies)

For the work-woman:

- Ex. W.1/ 8-5-57 — Railway Boards letter to the General Managers, All Indian Railways.
- Ex. W.2/ 4-7-57 — -do-
- Ex. W.3/ 21-9-81 — Letter from the Divisional Mechanical Engineer to the General Manager.
- Ex. W.4/11-11-80 — Letter from the Southern Railway Employees Sangh to the Chief Personnel Officer.
- Ex. W.5/13/16-11-81—Letter from the CPO to DRM(P)
- Ex. W.6/11-8-81 — Letter from the Southern Railway Employees Sangh to the C.P.O.
- Ex. W.7 : — 2. A petition filed before the Central Labour Cociliation Officer by the Petitioner.
- Ex. W.8/18-01-94 — Rejoinder to the reply filed by the respondent.

For the Management :

—NIL—

नई दिल्ली, 11 मार्च, 2004

का.आ. 847.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं० 1 मुम्बई के पंचाट (संदर्भ सं. सी जी आई टी- 21/ 2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-2004 को प्राप्त हुआ था।

[सं. एल-40012/1/2003-आई.आर.(डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 11th March, 2004

S.O. 847.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref No. CGIT-21/2003) of the Central Government Industrial Tribunal/Labour Court No. 1 Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B.S.N.L. and their workman, which was received by the Central Government on 11-03-2004.

[No. L-40012/1/2003-IR(DU)]

KULDIP RAI VERMA, Desk Officer.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.1 MUMBAI****PRESENT :**

Shri Justice S.C Pandey, Presiding Officer

Reference No. CGIT- 21/2003

PARTIES: Employers in relation to the management
of B.S.N.L Telecom District, Goa**AND**

Their Workmen

APPEARANCES:

For the Management : Mr. S. Narulkar, Adv.

For the Workman : Mr Nigalye, Adv.

State : Maharashtra

Mumbai dated the 27th day of Feb., 2004

AWARD

1. This reference is made by the Central Government in exercise of its powers under clause (d) of sub section 1 of and Sub-section 2-A of section 10 of the Industrial Disputes act 1947 (the Act for short) for adjudicating upon the industrial dispute between Bharat Sanchar Nigam Ltd. (BSNL for short) Telecom District Goa, Panji and Sanjay Fathi Desai (workman for short). The terms of the reference as per schedule are as follows :

“Whether the action of the management of BSNL, Goa in discontinuing the services of Shri. Sanjay Fattu Desai, Sweeper-cum-Waterman w.e.f. 31-12-2001 after serving 12 years is legal and justified? If not, to what relief the workman is entitled ?”

2. The workman in his statement of claim stated that B.S.N.L took over the functions of the Department of telecommunication after it was constituted as a company. It succeeded to the Department of telecommunications as a successor in interest. The workman was employed as a sweeper-cum-waterman with the Telecommunication Department. His total duty hours were eight hours but he was part time Sweeper for four hours and part time water man for four hours. The workman submitted that he was orally appointed but the aforesaid facts were admitted in two letters dated 07-02-1996 and 02-04-1996 (Exhibit W1). The workman was working for sometimes for four hours and was paid on that basis in 1996. The employment was continuous from 1989 in the Administrative Building at Panji Goa. As per circular dated 11-10-1979 a circular was issued for absorption of casual workers who had worked for 240 days or more (Ex. W2). Another circular dated 7-6-90 (Ex. W3) was issued. It was for the same nature. The workman submitted that he was entitled to the benefits of

the circulars. The workman demanded rights given by circulars by making a representation as per his letter dated 28-11-96 to G. M. Telecom Goa (Exhibit W4) and letter dated 30-01-1996. The workman made another representation dated 14-5-97 Exhibit W5. The workman did not receive any reply. The services of the workman were terminated orally with effect from 1-1-2002. It was claimed by the workman that there was violation of section 25F of the Act because his service were orally terminated without retrenchment compensation. The workman claimed reinstatement with back wages and prayed accordingly.

3. In the written statement the BSNL admitted the fact of making reference and that it was successor in interest of the Telecom Deptt. of Central Govt. It was also stated that Group C and D category who opted to join BSNL were absorbed by it. It was claimed that the employment of the workman on hourly basis. He was paid according to job done by him. It was denied that workman was a permanent employee. The case of the BSNL was a that the workman was not a regular employee and he was not covered by the circulars. The BSNL did not deny the allegation made in paragraph 4 of the statement of claim that as per Ex W1 that workman worked for 4 hours as Sweeper and four hours as a water man. The fact that workman worked from 15-8-1989 to 31-12-2001 was not denied. However, it was stated that termination of the services of the workman did not amount to retrenchment. Because he was employed on hourly basis. He was not a casual employee. He was not a temporary employee. His claim for absorption was bad. The termination of his services was in accordance with the law.

The workman filed rejoinder. He reiterated his claim.

This tribunal framed the following issued. There are 6 issues framed on 28-7-2003. They are as follows:

- (a) Whether the Sanjay Fattu Desai (workman) was employed in the department of Telecommunication and thereafter with BSNL as part-time Sweeper for four hours and Waterman for four hours from 1989 till 31-12-2001?
- (b) What was the status of workman during the period of his employment.
- (c) Whether the termination for his services amount to retrenchment in violation of Section 25-F of the Industrial Disputes Act?
- (d) Whether the termination of services of the workman is *malafide*?
- (e) Whether the workman is entitled to relief of permanent absorption?

(f) What award should be passed under facts and circumstances of the case?

6. The workman examined himself. He was cross examined. The BSNL did not examine any witness. As per directions given by this tribunal the Sub Divisional Engineer B.S.N.L. Shri S.A Krishna submitted the documents involved in the case.

7. It appears that original copy of letters dated 2-4-1996 that there is order on record that workman was appointed as part time sweeper and part time waterman. He was working as a sweeper for four hours and a waterman for four hours. His payment was hourly. The letter M2 dated 7-2-96 is a certificate affirming the fact that workman as part time sweeper cum waterman from August 1989. The workman stated the aforesaid facts in his affidavit. His cross examination did not bring out anything substantial against No. witness for BSNL was examined.

8. In view of the aforesaid it is held that workman was appointed as waterman-cum- sweeper and he worked continuously from the year 1989 with the Telecom Deptt. And thereafter with BSNL after October 2000. The workman had worked for eight hours daily. He appears to be full time employee even though he was not treated as such. It is further held that the workman was trying to improve his status after receiving the circulars. No action was taken by the Central Govt. As well as BSNL. Instead the workman's services were terminated orally on 31-12-2001. The workman's services were terminated without notice and without payment of retrenchment compensation as provided by section 25 F of the Act. This tribunal does not accept the contention that the termination of the services of the workman does not amount to retrenchment. There is no proof that workman was covered by section 200 (bb) of the Act. Firstly, there is no pleading that the workman was employed for a term. The mode of payment by itself does not determine the term of employment. There must be pleading that the term was fixed or that there was contract according to which the workman's services could be terminated. On the other hand the continuous employment of the workman from 1989 without break shows that there was no such term.

9. The consequence of the aforesaid discussion is that the workman's services were illegally terminated with effect from 31-12-2001. He shall be reinstated in service from 1-1-2002. He shall be entitled to the back wages from 1-1-2002 till he is reinstated. The workman shall be treated as casual worker. This tribunal further directs in exercise of its powers under section 11-A of the Act that the workman shall be absorbed as a workman in lowest rung of service and shall be paid full emoluments of that post from date of absorption (See Executive Director SCS Co-Op. Society Ltd vs. P.O Labour Court 2000 Lab

I.C 3898). The order absorption shall be passed within 90 days of the service of the copy of this award on BSNL by this tribunal. There shall be no order as to costs. The reference is accordingly answered in terms of paragraph 9 of this award.

S.C PANDEY, Presiding Officer

नई दिल्ली, 11 मार्च, 2004

कल.जा. 848.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार राजेन्द्र मेमोरियल रिसर्च इंस्टिट्यूट ऑफ मेडिकल साइंसेस् के प्रबंधन के संकट नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं० 2 धनबाद के पंचाट (संदर्भ सं. 66/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-2004 को प्राप्त हुआ था।

[सं. एल-42012/85/96-आई.आर.(डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 11th March, 2004

S.O. 848.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 66/96) of the Central Government Industrial Tribunal/Labour Court No.2 Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Rajendra Memorial Research Institute of Medical Sciences and their workman, which was received by the Central Government on 11-03-2004.

[No. L-42012/85/96-IR(DU)]

KULDIP RAI VERMA, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2 AT DHANBAD

In the Matter of a reference U/S. 10(1) (d) of the Industrial Disputes Act, 1947.

REFERENCE NO. 66 OF 1996

PARTIES: Employers in relation to the management of Rajendra Memorial Research Institute of Medical Sciences, Patna.

AND

Their Workmen

PRESENT :

Shri B. Biswas, Presiding Officer.

APPEARANCES:

For the Employers : Shri H. Nath, Advocate

For the Workman : Shri B. N. Singh
Authorised Representative

State : Bihar
 Industry : Research Institute.

Dated, the 24th February, 2004

AWARD

By order No. L-42012/85/96-I.R. (D.U) dated, the 30th May, 1996 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by Clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management Rajendra Memorial Research Institute of Medical Sciences, Patna in denying of regularisation of service of Shri Sita Ram Sah is legal and justified? If not, to what relief the workman is entitled to?"

2. The case of the concerned workman according to the written statement submitted by him, in brief, is as follows :

He submitted that he was employed as Animal House Attendant by Rajender Memorial Research Institute of Medical Science, Patna on temporary basis from 20-5-88 to 1-4-89 on the basis of letter of appointment issued to him. During this period his wage was on daily-rate basis. He submitted that he remained in employment as Animal House Attendant continuously from 1-5-89 to 15-12-91 on ad-hoc basis on consolidated monthly salary. He submitted that he worked under the management during this period continuously and put his attendance for more than 240 days in a year. He alleged that the management without giving any notice or paying any compensation suddenly stopped from work on and from 16-12-91 illegally, arbitrarily and violating the principle of natural justice. Accordingly he requested the management to regularise his service, but the management did not pay any heed to his request and for which he raised an industrial dispute for conciliation which ultimately resulted reference to this Tribunal. The concerned workman accordingly submitted his prayer to pass award directing the management of Rajendra Medical Research Institute of Medical Science to regularise him with retrospective effect alongwith all benefits.

3. The management, on the contrary, after filing written statement-cum-rejoinder have denied all the claims and allegations which the concerned workman asserted in his written statement. They submitted that the instant reference case is not maintainable in the eye of law as it is an individual dispute and in terms of Sec. 2A of the I.D Act, 1947 the same cannot be referred for adjudication. They submitted that the dispute relating to dismissal, discharge, termination and retrenchment of workman can be made industrial dispute under Section 2A of the

Industrial Disputes act, 1947. They submitted that the present dispute is arising out of demand of the concerned workman, Sita Ram Sah for his regularisation in the service of the Institute. The concerned workman directly raised the present dispute before the A.L.C (C), Patna for his permanent absorption and the present reference has been made on his individual demand. Accordingly the present reference is beyond the scope of adjudication by this Tribunal. They further submitted that Rajendra Memorial Research Institute of Medical Sciences, Patna is fully financed by the Central Government out of budgetary sanction in furtherance of carrying on its sovereign function of ensuring proper medical research for eradication of various diseases. The Institute does not carry on any business or work of private party on payment of fund. In course of carrying on research work the patients are fully treated and they get free accommodation and free diet. All pathological and immunological tests are carried on free of cost. They disclosed that this Institute bear all expenses of the patients relating to treatment in furtherance of carrying on research work on such diseases. They disclosed that this Institute is exclusively carrying on research work on Kala-azar fully on the fund allotted to it by the Central Government and all expenses of the Institute are made from the fund allotted to it on the basis of budgetary sanction. In the course of carrying on research, the patients contracting Kala-azar are admitted in this Institution and all such patients are freely treated and they are provided free bad and free diet. Thus the Institute does not derive any profit from running the Institute but it is working as a premier Institute for carrying on research work on Kala-azar.

They disclosed that the employees working in the Institute are all Central Government employees and all selections are made on all India basis. The recruitments are done as per the recruitment policy of the Central Government. There is no scope for employing any person at the discretion of any officer of the Institute. The selection has to be made as per the rules of the Central Government by the Selection Committee. The scale of pay of different employees have been fixed on the basis of recommendation of the Central Pay Commission and all terms and conditions of services of the employees are governed by the rules of the Central Government framed under the Constitution of India. They submitted that this Institute for all intent and all purposes is a permanent unit of I.C.M.R., an autoumous body directly under the Central Management and direction of the Central Government fully financed by the Central Government and is not an 'Industry' having any kind of business interest. Since it has no business interest and not producing any goods to be sold in the market, it is not an 'Industry'. The persons are not engaged for putting their labour in production of goods or manufacture of articles for public consumption. They disclosed that in the year

1988 some addition to the strength of animals was made for the purpose of carrying on research on animals. To serve as attendant for the Animal House, the concerned workman was engaged on daily-rated basis on 20-5-88 on casual basis as and when required. The management of the Institute referred the matter to the appropriate authority for sanction of two extra hands to serve as attendants for the Animal House vide letter dated 30-6-89 and as per the rules of the Central Government the competent authority sanctioned two extra posts of Attendants for Animal House vide letter dated 7-8-89. Earlier by letter dated 31-5-89 management was directed to fill up back log vacancies reserved for SC/ST. Accordingly, they reviewed the position of back log vacancies on 3-9-90 and a chart was prepared according to which back log vacancies existing from 31-3-90 for Group- 'D' posts were 4 for SC and 4 for ST. There were only two posts available in Group 'D' sanctioned by aforesaid letter dated 7-8-89. Therefore, these two newly created posts were reserved for SC/ST. They disclosed that two persons, namely, Upendra Nath Upadhyay and the concerned workman were working on ad-hoc basis. When the approval for creation of two permanent posts of Attendants came for, it was decided to fill up the above posts by persons belonging to SC/ST. Sri U.N. Upadhyay and the concerned workman could not be recruited on those posts as they were not eligible and did not fulfil the conditions for their recruitment against these posts of Attendants. They disclosed that the Central Government has to carry on the constitutional obligation with regard to reservation and in that process certain posts were kept reserved for persons belonging to SC/ST. After consideration of different factors and evaluating the balance of convenience the two newly created posts of attendants were prescribed to be filled up by the persons belonging to SC/ST. They further submitted that an employee working on ad-hoc basis has no right to claim for his absorption on a post newly created unless he fulfils all the conditions of eligibility for his selection. The concerned workman was an ad-hoc employee intermittently employed for a three months at a time with the clear stipulated condition to terminate his services as soon as the regular incumbent is posted.

In view of the condition of service applicable to the concerned workman his service stood automatically terminated after the expiry of stipulated period mentioned in his appointment letter and for which he did not have any right to claim for continuance of his service on regular post. As he did not possess the requisite eligibility criteria for his selection to the post of an attendant after the same was newly created, he could not be selected against that newly created post. Accordingly, the concerned workman does not have any right to claim for his regularisation in the Institute and his demand is liable to be summarily rejected.

Points to be decided :

4. "Whether the action of the management of Rajendra Memorial Research Institute of Medical Science, Patna in denying regularisation of service of Shri Sita Ram Sah is legal and justified ? If not to what relief the workman is entitled to ?"

Finding with reasons :

5. The concerned workman in order to substantiate his claim examined himself as MW-1, while the management also in support of their claim examined one witness as MW-1.

the concerned workman during his evidence disclosed that he worked under the management i.e. Rajendra Memorial Research Institute of Medical Science, Patna, as a Daily-Rated Mazdoor from 22-5-88 to 1-4-89. Thereafter the management gave him appointment on ad-hoc basis with salary of Rs. 500/- per month, as Animal House Attendant. He disclosed that his ad-hoc appointment was time to time enhanced by the management and he worked there upto 9-8-91. He admitted that his service was on stop-gap basis. Every quarterly management used to stop him from work for three days and thereafter they allowed him to work for another quarter and in this way they allowed to continue his work as Animal House Attendant on ad-hoc basis upto 12-12-91. In course of evidence of WW-1 the appointment letter issued by the management was marked as Ext. W1 and W-1/1. The certificate of work issued by the management dated 14-9-90 was marked as Ext. W-2. The working particulars of the concerned workman issued by the management during his evidence was marked Ext. W-3. The Office Order relating to extension of his work from time to time was marked Ext. W-4 series and the termination letter dated 9-8-91 was marked Ext. W-5. This witness disclosed that after his termination from service he submitted representation to the management for his reinstatement, the copy of that representation during his evidence was marked Ext. W-6. He disclosed that inspite of submitting representation and also inspite of his working under the management for more than 240 days in a year the management did not consider his prayer. On the contrary, MW-1 during his evidence disclosed that Rajendra Memorial Research Institute of Medical Science is a permanent Institute under the Government of India, Ministry of Health and the Ministry of Health provides entire funds for running of this Institute is meant for taking up research work on 'Kala-azar'. They treated outdoor as well as indoor patients. In the Indoor the patients suspected to be patients of Kala-azar are admitted for further investigation and the patients admitted there receive free treatment. This witness further disclosed that as the research Institute is not a business centre there is no question of accruing any profit therefrom. He further disclosed that appointment of any person in the said

Institute is done strictly as per Government of India rules. This witness submitted that in the year 1988 for maintenance of cattle they required extra man power but as there was no extra man power under the control of this Institute they engaged the concerned workman absolutely on daily-rated basis and he worked 10 to 15 days in a month as a daily-rated worker for the purpose of maintenance of cattle. Thereafter proposal was sent to the Ministry for creation of two Group 'D' posts as Animal House Attendants. Pending the approval from the Ministry for meeting up the exigency the Director called for the names of some persons from the Employment Exchange. Accordingly, the Employment Exchange forwarded the names of some persons including the concerned workman for ad-hoc appointment of Group 'D' staff. Thereafter those persons were interviewed and two persons including the concerned workman were appointed on ad-hoc basis only for three months on a consolidated pay as Group 'D' worker for Animal Attendant. As the employment was on ad-hoc basis the services of the workmen were stopped for some days after completion of three months and thereafter again he was appointed afresh on ad-hoc basis on same terms and conditions. The letters of ad-hoc appointment during his evidence were marked as Ext. M-1 series. During the year 1989-90 the Ministry sanctioned two Group 'D' posts. The sanction order during his evidence was marked Ext. M-2. Thereafter they received direction from the Ministry to fill up the post through SC/ST men. The order of the Ministry to this effect was marked as Ext. M-3. He disclosed that during the year 1989-90 Group 'D' staff strength was 61. Out of the said post 15% was reserved for Scheduled Casts and 9% was reserved for Scheduled Tribe. He disclosed that in the year 1981 the said Research Institute was taken over by the Ministry, but prior to that it was under the Society and for which they did not follow the guideline relating to the appointment of SC/ST to fill up the post of Group 'D' staff according to percentage. The list of Group 'D' workers including provision of SC and ST quota during his evidence was marked Ext. M-4. The concerned workman was Animal Attendant and at present there is no vacancy of the said post and for which his claim for regularisation as Animal Attendant could not be considered.

Considering the evidence of MW-I it is clear that the Institute in question is a Government Organisation wherein medical research works are carried on mainly on 'Kala-azar'. It is also clear that for research work this Institute maintain cattles and for their looking after the concerned workman was engaged after taking approval from the appropriate authority by the Director of the said Research Centre absolutely on ad-hoc basis. The concerned workman during his evidence admitted that his appointment was absolutely on ad-hoc basis. It further

transpires that he got ad-hoc appointment for the first time for a period of three months and thereafter on stop-gap basis, till 12-12-1991. The document marked as Ext. W-3 shows clearly the total period of work done by the concerned workman on ad-hoc basis as Group 'D' worker with effect from 20-5-1988 to 24-8-1991. From this paper it further transpires that the management paid daily wages at the rate of Rs. 15.80 per day to the concerned workman for the period from 20-5-88 to 25-4-89 and thereafter they paid consolidated amount of Rs. 630/- per month to him w.e.f. 28-4-89 to 24-8-91. Therefore, it is seen that the concerned workman worked on ad-hoc basis upto that period and not upto 12-12-91 which has been claimed by the concerned workman. The onus accordingly lies upon the concerned workman to establish that he worked under the management on ad-hoc basis as Group 'D' worker till that date. I find no hesitation to say that in course of hearing the concerned workman has failed to establish this claim that he worked under the management till 12-12-91. The contention of the concerned workman is that from May, 1988 till he was stopped from his work he worked for more than 240 days in each year. He alleged that the management illegally and arbitrarily without giving any notice stopped him from his work. I have carefully considered the working chart of the concerned workman issued by Administrative Officer of the said Research Institute, Ext. W-3.

The learned Advocate for the management submitted that the question of giving notice to the concerned workman did not arise at all as he was not retrenched from his service. His appointment absolutely was on ad-hoc basis and for a limited period and in each occasion the management issued fresh appointment. The learned Advocate further submitted that in case of employment in any Government Organisation the employment procedure is to be followed strictly and the authority concerned has no scope to provide employment to any worker violating the employment rules. The learned Advocate further submitted that for Group 'D' post appropriate authority sanctioned two new posts but as in Government Organisation SC/ST quota are maintained strictly those two posts created newly were absorbed from SC/ST quota. MW-1 during his evidence clearly clarified this matter. Disclosing all these facts the learned Advocate for the management submitted that there was no scope on the part of the management to regularise the concerned workman as Group 'D' worker as there was no vacant post which can be filled up by employing him. Disclosing all these facts it has been submitted by the learned Advocate for the management that as the Institute is a Research Institute and not a profitatory concern there was no scope for application of Industrial Disputes Act for application of Sec. 25-F with a view to regularise the concerned workman if it is taken into consideration that

the concerned workman was stopped from his work without giving any notice. In support of his claim learned Advocate for the management relied on the decision reported in 1997(4) SCC 392. In the said decision their Lordships of Hon'ble Apex Court observed that every department of the Government cannot be treated to be industry. When the appointments are regulated by the statutory rules, the concept of industry to that extent stands excluded. The petitioners were not appointed to the posts in accordance with the rules but were engaged on the basis of need of the work. They are temporary employees working on daily wages. Their disengagement from service cannot be construed to be a retrenchment under the Industrial Dispute Act. The concept of retrenchment therefore, cannot be stretched to such an extent as to cover these employees. Since the petitioners are only daily wages employees and have no right to the posts, their disengagement is not arbitrary.

6. Here in the instant case there is no dispute to hold that the said Research Institute as a Government organisation strictly maintains statutory rules by which appointment of every worker is regulated. The management of this Research Institute do not have any such right to give appointment to any work violating this statutory rules and without prior approval of the authority. This ad-hoc appointment of the concerned workman was also given after taking prior permission from the appropriate authority for a limited period from time to time. Thereafter his ad-hoc appointment for the limited period was not extended. As the Research Institute which is a Central Govt. Organisation can not violate statutory rules in the matter of employment there was no scope on their part to issue any notice to the concerned workman and for which there is no scope to say at all that on the said ground such stoppage of work has been vitiated as per sec. 25-F of the Industrial Disputes Act. No doubt, learned Advocate for the concerned workman referred a decision reported in 1961(I) LLJ-649. In the said decision their Lordships of the Hon'ble Apex Court observed —

“Where the Standing Orders applicable to the Company defines ‘permanent workman’ as one engaged in a permanent nature of work throughout the year who has completed his probationary period. and ‘temporary workman’ as one engaged in the work of a temporary and casual nature or to fill in a temporary need of extra hands on permanent or temporary jobs.

Held, that the definition of permanent workmen did not require that such workmen should be employed throughout the year. The work on which he is engaged should be of a permanent nature and should last throughout the year. The proper construction of the definition of ‘permanent workman’ is that he must be a workman engaged on a work of permanent

nature when lasts throughout the year and who has completed his probationary period, if any, not being one engaged to fill in a temporary need of extra hands on permanent jobs.”

This decision related to the Industrial Disputes Act. According to Section 2 (s) of the Industrial Disputes Act workman means any person including an apprentice employed in any industry to do any manual, unskilled, skilled, technical, clerical or supervisory work for higher or reward, whether the terms of employment be expressed or implied, and for the purposes of any proceeding under this Act in relation to industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of that dispute, or whose dismissal, discharge or retrenchment has led to that dispute. Here in the instant case the Organisation is a medical Research Institute where research works are carried on and for the interest of that research work patients are admitted. The Medical Research neither incur profit nor produce any goods for consumption. This act is an act different from the act of the industry. Therefore, the onus rests on the workman concerned to establish that this Medical Research Institute comes within the purview of the Industrial Disputes Act. In support of his claim the representative of the concerned workman referred to a decision in civil Appeal Nos. 1787-1792 of 1991. In the instant case the party was council of Scientific & Industrial Research as Appellant. Therefore, the Rules of SCIR and the Rule of Medical Research Institute can not be equated on the same footing. In any circumstances there is no scope to say that this Medical Research Institute can be considered as an ‘Industry’ and the disputes arising thereof area to be adjudicated under the Industrial Disputes Act, 1947. On the contrary, if the decision already referred to above i.e (1197) 4 Supreme Court Cases 39 is taken into consideration there is sufficient scope to say that there was no scope of issuance of notice u/s 25-F of the Industrial Disputes Act. There is no scope to rely on the said decision referred to above that the concerned workman was retrenched from his service. It has been established by the management that the appointment of the concerned workman was absolutely on ad-hoc basis and absolutely for a limited period. Therefore, for such limited period of work on ad-hoc basis no claim accrues on the part of the concerned workman for his employment ignoring the statutory rules followed for appointment of workers. Accordingly, the concerned workman is not entitled to any relief.

7. In the result, the following award is rendered.

The action of the management of Rajendra Memorial Research Institute of Medical Sciences, Patna in denying of regularisation of service of Shri Sita Ram Sah is justified. Accordingly, the concerned workman is not entitled to any relief.

B. BISWAS, Presiding Officer.

नई दिल्ली, 11 मार्च, 2004

का. आ. 849.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रीजनल इंस्टीट्यूट ऑफ एजुकेशन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, अजमेर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-2004 को प्राप्त हुआ था।

[सं. एल-42012/68/97-आई.आर. (डीयू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 11th March, 2004

S.O. 849.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Ajmer as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Regional Institute of Education and their workman, which was received by the Central Government on 11-3-2004.

[No. L-42012/68/97-IR(DU)]

KULDIP RAI VERMA, Desk Officer

अनुबंध

प्रकरण का विवरण

सी.आई.टी.आर. नं. 4/98 फूलचंद धोबी बनाम क्षेत्रीय महाविद्यालय अजमेर

रेफरेंस नं. एल-42012/68/97-आई.आर. (डी.यू.) दि. 11-6-98

श्री फूलचंद धोबी पुत्र श्री बाबूलाल मकान नं. 13/3,

रामभवन के सामने, शास्त्री नगर, अजमेर

बनाम

प्रिंसीपल, रीजनल इंस्टीट्यूट ऑफ एजुकेशन पुष्कर रोड, अजमेर अवार्ड दिनांक 20-2-2004

20-2-2004 प्रार्थी फूलचंद इस प्रकरण में दि. 19-2-2004 को न्यायालय में उपस्थित था लेकिन वह विपक्षी द्वारा की जाने वाली जिरह के लिए तत्पर नहीं था। इससे पूर्व दि. 4-12-2003 को भी प्रार्थी के वकील ने प्रार्थी के बयान कराने में हिचकिचाट दिखायी थी। उससे पूर्व दि. 12-11-2003 को प्रार्थी पक्ष को शहादत के लिए 50/-रु. खर्च पर अवसर दिया गया था। उससे पूर्व दि. 1-10-03 को, 2-8-03 को, 2-5-03 को, 6-3-03, 30-1-03 को (पचास रु. खर्च पर) तथा 6-9-02 को भी प्रार्थी ने खुद के बायानों के लिए समय चाहा था। इससे पूर्व प्रार्थी ने कई एडजॉर्नमेंट खुद का शपथ पत्र पेश करने के लिए प्राप्त किये थे। जाहिर है कि प्रार्थी येन-केन प्रकारेण प्रकरण को साक्ष्य की स्टेज पर अनुचित कारणों से विलंबित करने का हर-संभव प्रयास कर रहा है। श्रम न्यायालय में एक पक्ष दूसरे पक्ष को ब्लैकमेल करने के लिए प्रक्रिया का इस प्रकार दुरुपयोग करता कई बार पाया जाता है। माननीय

सर्वोच्च न्यायालय की पूर्ण पीठ 2001 डी.एन.जे. सुप्रीम कोर्ट पेज 272 एन.जी. दस्ताने बनाम श्रीकांत एस. शिवाडे आदि ने इस प्रकार का एडजॉर्नमेंट मांगने वाले अधिवक्ता के आचरण को "प्रोफेशनल-मिसकंडक्ट" मानते हुए उसका मामला अनुशासनिक कार्यावाही के लिए सीधे ही बार-कौंसिल ऑफ इंडिया को प्रेषित किया था। वर्तमान प्रकरण में प्रार्थी/उसके अधिवक्ता श्री पी.डी. खन्ना द्वारा बार-बार मोहलत मांगना और दरखास्त पेश करके न्यायालय की कार्यवाही रुकवा देने का अनुचित प्रयास करना किसी भी प्रकार से प्रशंसनीय नहीं कहा जा सकता है फारेयादी की शहादत अब बंद की जाती है। प्रकरण में विचारणीय बिंदु यह था कि प्रार्थी फूलचंद की दि. 27-11-96 से सिक्युरिटी गार्ड के पद से हटाकर रीजनल इंस्टीट्यूट ऑफ एजुकेशन, पुष्कर रोड, अजमेर में कोई अवैधानिक या अनुचित कार्य किया है? फरियादी ने कोई शहादत पेश नहीं की है अतः इस आदेशिका के द्वारा ही फरियादी फूलचंद पुत्र बाबूलाल धोबी निवासी-13/3 रामभवन के सामने ओमनगर, शास्त्री नगर, अजमेर का यह कलेम गुणावगुण पर खारिज किया जाता है तथा निर्धारित किया जाता है कि प्रार्थी अपनी दि. 27-11-96 से सुरक्षा गार्ड के पद से की गयी सेवा-मुक्ति को अनुचित या अवैधानिक होना प्रमाणित नहीं कर सका है। इस अवार्ड की प्रति गजट प्रकाशन हेतु केंद्र सरकार को प्रेषित कर दी जावे क्योंकि यह रेफरेंस केंद्र सरकार से ही उनके पत्र सं. एल-42012/68/97/आईआर/डीयू दि. 11-6-98 के द्वारा प्राप्त हुआ था। पत्रावली फैसला दर्ज किया जाकर दखिल दफ्तर कर दी जावे। प्रकरण की परिस्थितियों में इस आदेशिका को ही अवार्ड निर्णय माना जावे। निर्णय/अवार्ड मेरे द्वारा लिखाया जाकर हस्ताक्षरित एवं दिनांकित किया जाकर खुले न्यायालय में सुनाया गया।

हस्ता./-

न्यायाधीश

श्रम न्यायालय एवं औद्योगिक न्यायाधिकरण,
अजमेर

नई दिल्ली, 12 मार्च, 2004

का. आ. 850.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सार्दन रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार/श्रम न्यायालय, एर्नाकुलम के पंचाट [संदर्भ संख्या आई.डी. 21 आफ 1996(सी)] को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-2004 को प्राप्त हुआ था।

[सं. एल-41012/102/94-आई.आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 12th March, 2004

S.O. 850.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), of the Central Government hereby publishes the award [I.D. No. 21 of 1996 (C)] of the Central Government Labour Court, Ernakulam now as shown in the Annexure in the Industrial Dispute between the employers in relation to management

of Southern Railway and their workman, which was received by the Central Government on 11-3-2004.

[No. L-41012/102/94-IR(B. 1)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM

(Labour Court, Ernakulam)

(Friday, the 28th day of February, 2003)

Present :

Smt. N. Thulasi Bai, B.S., LL.B.,
President Officer.

Industrial Dispute No. 21 of 1996(C)

Between

1. The Executive Engineer (Construction), Southern Railway, Ernakulam-682 011 (2) The Senior Divisional Personnel Officer, Southern Railway, Trivandrum. (No. 2 is impleaded as per order in M.P. No. 19/98, dated 6-7-1998)

And

The General Secretary, Southern Railway Men's Union Prakash Bhavan, Railway Station Road, Tripunithura-682 301.

REPRESENTATIONS :

Sri. M.C. Cherian,
Standing Counsel for Railways,
Amulia Street,
Kochi-18.

.... For Managements

Sri. C.S. Ajith Prakash,
Advocate, 402, Imperial Building,
Flower Junction, T.D. Road,
Kochi-35.

.... For Union

AWARD

This reference was made by the Central Government as per letter No. L41012/102/94-IR(B.I) dated 3-9-96. The dispute is between the management of Southern Railway and their workman Sri. U.L. Sasi. The dispute referred is :

"Whether the action of the management of Executive Engineer (Const.), Southern Railway, Ernakulam in terminating the services of Shri U.L. Sasi, is legal and justified? If not, to what relief the workman concerned is entitled?"

In the reference the management is represented by the Executive Engineer (Construction), Southern Railway, Ernakulam and the workman is represented by the General Secretary, Southern Railway Men's Union, Tripunithura.

2. On receipt of notices issued from this court both the management and union appeared through counsel.

3. The workman filed a claim statement raising the following claims :—The workman was a casual labourer employed in the Railway continuously from 12-6-1975 to 6-8-1981 with some artificial break and he was denied employment w.e.f. 7-8-1981 without complying the formalities of the Industrial Disputes Act. The workman was entitled to get temporary status on completion of continuous service of 120 days as per the provisions in the Railway Establishment Manual. The workman who acquired temporary status cannot be discharged from service without giving notice. The workman was issued with casual labour service card showing the details of service duly authenticated by a responsible officer of the Railway. It is evident from the casual labour service card that the workman was discharged from service on the ground that he was found medically unfit in B1 category, when subjected to medical examination for the purpose of regularisation in the Railway. The above aspect was not communicated to the workman. The rules related to medical classification at the time of medical examination in the Railway specifies that a casual labourer when found unfit in a category should be considered for a category which requires lower medical classification. The above rule has been violated by the management in the case of the workman. The management had engaged many casual labourers who were found medically unfit and who were junior to the workman. It is evident from the casual labour service card of the workman that he was continuously worked for more than 120 days in the open line, that is under the Permanent Way Inspector, Southern Railway. The workman had worked 317 days under the management thereby the provisions of section 25F of the Industrial Disputes Act had to be followed before his termination. Several juniors of the workman were re-engaged thereby the management has violated the provisions of section 25H of the Industrial Disputes Act. Considering the above aspects the workman prays for declaring his termination as illegal and to direct the management to reinstate the workman with continuity of service and full backwages.

4. Management filed a written objection raising the following contentions :—The Executive Engineer who has been impleaded as management in the I.D. has nothing to do with the termination of the workman concerned. At the time of alleged termination in 1981 the claimant was a casual labourer under the Permanent Way Inspector, Ernakulam who was a senior subordinate in the open line wing of railway and thus the employer of the claimant was the Divisional Personnel Officer, Southern Railway, Trivandrum. So the I.D. as against the Executive Engineer is not maintainable and sustainable in law and is liable to be dismissed on that ground. There are mainly two separate wings in the Railway, that is Construction Wing and Open Line Wing which are under separate Chief Engineers. It is

evident from the casual labour card produced by the workman that at the time of the alleged termination of this service he was under Permanent Way Inspector, Ernakulam who is a senior subordinate under the open line Engineering Wing. Actually there is no factual basis and justification for the present Industrial Dispute. The workman though initially engaged in the Construction Wing on 12-6-75, he was settled on 8-3-76. Though he was actually settled on 5-2-1976 he had to be continued up to 8-3-76 due to a court order and he was discharged when the court order has been vacated. Thereafter he never worked in the construction wing. But he joined as a fresh casual labourer in the Open Line wing under the permanent Way Inspector, Kottayam w.e.f. 21-7-1977. There he worked for less than 6 months and was settled on 3-1-1978. Thereafter he was again engaged on 21-2-80 and was discharged from service w.e.f. 7-8-81 due to medical unfitness. At that time he was working under Permanent Way Inspector, Ernakulam. The workman has not made any complaint or representation against the above termination but nearly after 15 years he has taken steps for raising the above I.D. challenging the termination by impleading a wrong person as the management. The impleadment of the wrong person is a deliberate and dishonest attempt to avoid a proper contest and to get a favourable verdict. Thus the I.D. is liable to be dismissed in limine due to inordinate delay, laches and lases. It is a stale claim. The workman was never considered for regularisation or absorption in regular service. Normally the turn of an Engineering Casual labourer for regularisation will come only after at least 10 years of service. The medical examination in question for which the workman was sent was the initial medical examination to be done at the time of initial engagement. The workman happened to be initially engaged without complying the formality of undergoing such medical examination. That aspect was noticed by the time he was eligible for temporary status. Accordingly he was sent for medical examination. This was to ascertain whether he was medically fit for engagement as a casual labourer. The workman was certified to be unfit in B1 medical category which is essential for all Engineering Casual labourers and such Group D employees. Thus it is clear that the workman was not at all eligible for initial engagement as a casual labourer in the Engineering Department. That is why he was discharged from service on the ground of medical unfitness. The provisions for alternate appointment for employees who become medically unfit as included in Chapter XXVI of the Railway Establishment Manual are meant for safeguarding the interest of regular railway employees who become medically unfit mainly due to long service in Railway of due to the nature of the arduous job undertaken by them. The Circular referred in the claim petition is not at all applicable to the case of the workman. The workman has not made any request for any re-medical examination, absorption in posts requiring lower medical fitness etc.

The decision of the Central Administrative Tribunal and award of this Court in I.D. 12/91 (Central) etc. referred in the claim petition have no bearing in the present case as the workman in the present case is not equally located with the persons included in those cases. Whether legal formalities were complied with before the termination of the workman cannot be ascertained as the concerned records are not traceable due to lapse of long period. The workman is not entitled to get any relief as per the reference and so the management prays for dismissal of the reference.

5. Basing on the contention raised in the written statement filed by the Executive Engineer, Construction, Southern Railway who was included as the management, the Senior Divisional Personnel Officer, Southern Railway, Trivandrum was impleaded as additional second management at the instance of the workman as per M.P. 19/98. A rejoinder was also filed by the workman on the date of filing the impleading petition transversing the contentions raised in the written statement filed by original management and reiterating the claims in the claim statement.

6. The additional second respondent on receipt of notice from this court appeared through the very same counsel appearing for the management and filled a written objection stating as follows :—The impleadment of additional second management is inconsistent and beyond the scope of the reference order wherein the legality of the action of the Executive Engineer has been specifically referred for adjudication. The impleadment itself will establish the lack of bonafides in the claims raised by the workman. by the impleadment the very nature and scope of the reference order are altered which affects the very jurisdiction of this court. Apart from the above the additional second respondent also adopts contentions raised by original management in its written statement.

7. For the purpose of this case evidence adduced from both sides which consists of the testimony of the workman as WW1 and Exts. W1 to W7 and M1. No oral evidence was adduced by the Management.

8. Thus the points arise for determination are :

(1) Whether the reference is maintainable?

(2) Whether the action of the management of Executive Engineer (Construction), Southern Railway, Ernakulam in terminating the service of Sri. U.L. Sasi is legal and justified?

(3) What if any are the reliefs the workman is entitled to?

9. Points : Admittedly Sri. U.L. Sasi, the workman involved in the present case was working as casual labourer in the Open Line of Southern Railway from 12-6-1975 to 7-8-1981 with intermitant break and he was

terminated on 7-8-1981 due to medical unfitness. At the time of his termination he was working under the Permanent Way Inspector, Ernakulam and at that time he was continuously engaged from 21-2-1980 to 7-8-1981 are not disputed. It is true that after termination on 7-8-1981 the workman has chosen to challenge the same by filing complaint only in 1994. In the written statement filed by the management it is contended that the I.D. is not maintainable since it is a stale claim that too by impleading a wrong person as management.

10. As regards the contention of impleadment of wrong person in the party array it has to be noted that in the reference the management is Southern Railway and the Executive Engineer (Construction), Southern Railway, Ernakulam is impleaded to represent the actual management. In the written statement filed by the Executive Engineer he has raised all contentions which have to be raised by the Southern Railway and so it cannot be found that the workman had impleaded a wrong person as the management. Moreover in view of the contention raised by the Executive Engineer (construction) who was shown as the person to represent the management the Senior Divisional Personnel Officer, Southern Railway, Trivandrum was impleaded as additional management who adopted the contentions raised by the Executive Engineer (Construction) who was already in the party array. So the contention raised by the management that the reference is made by impleading a wrong person in the party array cannot be accepted.

11. While considering the contention of the management that the reference is based on a stale claim it is noticeable that the Central Government declined to refer the dispute as per the petition filed by the workman which was challenged by the workman by filing O.P. 20078/95 before the Hon'ble High Court and as per the judgment in the O.P. the Central Government was directed to pass fresh order with regard to the dispute raised by the workman as accordingly the present dispute was referred for adjudication. As it is evident from the written statement filed by the management that documents are available in respect of the engagement of the workman as necessary details are given in the claim statement filed by the workman and necessary documents are given in the claim statement filed by the workman and necessary documents are produced to support the claim it cannot be found that the claim of the workman is a stale one which affects the maintainability of the reference. Thus it can be found that the contentions raised by the management regarding the maintainability of the reference are not sustainable thereby it can be found that the reference is maintainable.

12. Then next question to be determined is that whether the present workman is entitled to get any relief from the opposite party as per the reference. As referred earlier it is not disputed that the workman was working as

a casual labourer in the Open Line under the Permanent Way Inspector, Kottayam and Ernakulam from 12-6-1975 to 7-8-1981 with intermittent breaks. Exts. W1(a) and W1 are the casual labour service cards seem to be issued by the Permanent way Inspector under the Southern Railway. Photocopy of the above documents were produced by the workman along with the claim statement. Though it was contended in para-8 of the written objection filed by the management that the authenticity of the casual labour card as regards the entries after 2-9-1980 are doubtful and put to strict proof by the claimant, when the original documents were produced and marked as Exts. W1(a) and W1 there was no objection from the management side about the authenticity. Moreover, Ext. W1 and W1(a) are documents issued by the permanent way Inspector under the Southern Railway and they can be accepted as proved through the evidence of WW1. Further the authenticity of the documents is not disputed as per statement in para-4 of the written objection. Thus it is proved through Exts. W1 and W1(a) that the present workman was working as a casual labourer at the first instance under the construction wing from 12-6-1975 to 8-3-1976 and there after in the open line wing from 21-7-1977 to 7-8-1981 with some intermittent breaks. It is proved through Ext. W1 that the workman was working as a casual labourer in the open line wing without any break from 21-2-1980 to 7-8-81 on which date he appears to be terminated due to medical unfit in clause B1 as per certificate referred therein. As per the provision in the Indian Railway Establishment Manual a workman engaged as casual labourer in open line is entitled to temporary status on completion of 4 month's continuous service from the date of his appointment. Thus it is clear that the present workman was entitled for temporary status much earlier to his discharge or termination on the ground of medical unfitness. It is true that the workman had to be subjected to medical examination before giving temporary status. In the present case it appears that the workman was sent for medical examination during August 1981 and found as medically unfit. Thus it is clear that the management was negligent in sending the workman for medical examination at the proper time and to give temporary status accordingly. The medical unfitness appears to be in clause B1. Ext. W2 circular No. 3/1973 issued by the Railway Board indicates that the casual labourer sent for medical examination for considering in regular appointment should be subjected to a relaxed standard of medical examination. It is further evident from Ext. W2 that if a casual labourer is found medically unfit for a particular category he should be considered for alternative category requiring a lower medical classification. There were instances where casual labourers found medically unfit is B1 clause of medical examination were given alternate employment in other categories which required lower medical examination. Ext. W3 is the copy of judgement in O.A. No. 13/92 filed by one P.B. Pavithran against the Southern Railway. As per

the Ext. W3 the learned Administrative Tribunal had directed the Southern Railway to consider the case of the applicant therein and to take appropriate action by considering him for a category of lower medical classification. Ext. W4 is the copy of the award passed by this court in I.D. 12/91(C) in which Southern Railway was the management Sri. T.T. Iype was the workman. The facts and circumstances in the case referred in Ext. W4 are identical to the facts and circumstances to the present case. As per Ext. W4 this court found that the action of the management of Southern Railway in terminating the services of the workman Sri. T.T. Iype as a casual labourer is unjustified and the management was directed to reinstate the workman concerned with continuity of service and with 50% of the backwages. The above passed by this court was challenged by the management before the Hon'ble High Court by filing O.P. No. 13336/1995-K. The Hon'ble High Court as per judgment dated 19-8-1995 dismissed the O.P. by confirming Ext. W4. Ext. W6 is the copy of judgment in the above O.P. It is evident from Ext. W7 reply dated 15-2-1994 issued from the office of the Executive Engineer (Construction,) Ernakulam to the complaint filed by the workman before the Assistant Labour Commissioner (Central), Kochi that as per the directions of the Hon'ble Supreme Court in Indirpal Yadav's case there is separate seniority list of project casual labours are maintained based on those who were in service on or after 1-1-1981 and those who were retrenched for want of work etc. prior to 1-1-1981. The persons included in the second seniority list will be taken only when the persons in the first seniority list are exhausted and the workman's case will be considered in his turn if he had registered his name for inclusion in the second seniority list at appropriate time as per the notification enclosed. Ext. M1 is stated to be the copy of list of casual labourers empanelled for appointment as temporary gangman (Group-D) which does not include the name of the workman. It is evident from Ext. M1 and W7 that the present workman is not person who comes within the categories referred therein since he was a casual labourer in the open line who had a continuous service of more than 4 months required for conferring temporary status. Thus on going through Exts. W1, W1(a), W2, W3, W4 and W6 and the oral evidence of the workman as WW1 it can be found that the termination of the workman here in by the management on the ground of medical unfitness when conferring temporary status is not legal and justifiable thereby he is entitled to be reinstated in service. He should be given temporary status and regular appointment in the same category or in an alternative category in accordance with the necessary medical examination. Considering the delay in taking action by the workman he is not entitled to get any backwages. points are answered accordingly.

In the result, an award is passed finding that the action of the management of Southern Railway in terminating the service of Sri. U. L. Sasi, the workman

concerned, as casual labourer is not legal and not justified. The management is directed to reinstate the workmen with continuity of service but without backwages. He will be provided temporary status and regular appointment on the same category or in an alternate category in accordance with the medical examination.

This award will take effect one month after its publication in the Official Gazette.

Dictated to the Confidential Assistant, transcribed and typed out by her, corrected by me and passed this the 28th day of February, 2003.

Ernakulam

N. THULASIBAI, Presiding Officer

Appendix

Witness examined on the side of the workmen :

WW1 Sri U. L. Sasi.

Exhibits marked on the side of the management :

Photo copy of empanel of casual labourers.

Exhibits marked on the side of the workman :

- Ext. W1. Casual Labour Service Card issued by the Management to the workman U. L. Sasi.
- Ext. W1(a) Casual Labour Service Card in the name of Sri. U. L. Sasi.
- Ext. W2. P.A.M. Circular No. 3/72.
- Ext. W3. Judgment in O.A. No. 13/92 in the Central Administrative Tribunal Ernakulam Bench.
- Ext. W4. Photo Copy of award in I.D. 12/91(C) by this Court.
- Ext. W5. Postal Acknowledgement card.
- Ext. W5(a) Another Post acknowledgement card.
- Ext. W6. Photo copy of Judgement in O.P. No. 13376/95 of the Hon'ble High Court.
- Ext. W7. Letter issued by Executive Engineer (Construction) Ernakulam to the Asstt. Labour Commissioner, Ernakulam.

नई दिल्ली, 12 मार्च, 2004

का. आ. 851.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भीलवाड़ा अजमेर क्षेत्रीय ग्रामीण बैंक के प्रबंधांतर के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/ग्राम न्यायालय, अजमेर के पंचाट (संदर्भ संख्या आई.डी. 10/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-2004 को प्राप्त हुआ था।

[सं. एल-12012/69/1997-आई.आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 12th March, 2004

S.O. 851.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 10/98) of the Industrial Tribunal/Labour Court, Ajmer now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bhilwara Ajmer Kshetriya Gramin Bank and their workman, which was received by the Central Government on 11-03-2004.

[No. L-12012/69/97-IR(B.1)]

AJAY KUMAR, Desk Officer

अनुबंध**श्रम न्यायालय एवं औद्योगिक न्यायाधिकरण, अजमेर
(राजस्थान)**

पीठासीन अधिकारी : अतुल कुमार जैन, आर एच जे एस

प्रकरण संख्या-सीआईटीआर-10/98

(केन्द्र सरकार का रेफरेंस पत्र क्र. एल-12012/69/97/आई आर/

बी-1) केन्द्र सरकार नयी दिल्ली, दिनांक 4-3-98

हिम्मत सिंह पुत्र सुआ सांखला उम्र- 33 वर्ष जाति-राजपूत,

निवासी-ग्राम व पोस्ट जिला अजमेर (राजस्थान) ... प्रार्थी

बनाम

1. भीलवाड़ा अजमेर क्षेत्रीय ग्रामीण बैंक भीलवाड़ा जिरिये अध्यक्ष
2. भीलवाड़ा अजमेर क्षेत्रीय ग्रामीण बैंक जिरिये ब्रांच मैनेजर, पुष्कर (अजमेर) ... अप्रार्थीगण

उपस्थित : श्री बी.डी. गुप्ता, एडवोकेट, प्रार्थी की ओर से।

श्री बी.डी. भार्गव, एडवोकेट, विपक्षीगण की ओर से।

दिनांक : 9-12-2003

अवार्ड

इस प्रकरण में केन्द्र सरकार से प्राप्त श्रम विवाद (रेफरेंस) इस प्रकार था कि क्या विपक्षीगण द्वारा प्रार्थी हिम्मत सिंह को 21-2-94 से सेवा से पृथक् करना उचित एवं वैधानिक था ? यदि नहीं तो प्रार्थी किस प्रकार से राहत पाने का अधिकारी है ?

रेफरेंस प्राप्त होने पर प्रार्थी हिम्मत सिंह ने अपना स्टेटमेंट ऑफ क्लेम दि. 23-3-98 पेश किया था। विपक्षीगण ने अपना जवाब दि. 18-9-98 को पेश किया था क्लेम के समर्थन में प्रार्थी ने खुद का हलफनामा 3-6-2000 को पेश किया था तथा उसे विपक्षीगण के अधिकारता ने 19-5-01 को जिरह की थी। विपक्षीगण की ओर से गवाह टीकमचंद का हलफनामा 20-12-01 को पेश किया गया था तथा 25-1-02 को प्रार्थी पक्ष ने उससे जिरह की थी। विपक्षीगण के दूसरे गवाह सुभावचंद्र गुप्ता का हलफनामा 27-3-2002 को पेश हुआ था तथा उससे प्रार्थी पक्ष ने जिरह तीन टुकड़ों में क्रमशः 24-9-02, 12-3-03 तथा 28-5-03 को पूरी की थी।

विपक्षीगण ने अतिरिक्त साक्ष्य प्रस्तुत करने के लिए इस पत्रावली में सत्रह बार मोहलत लेने के बाद अद्वारहवीं बार 500/- रु. खर्च पर मोहलत ली थी। इसके बावजूद भी दि. 19-7-03 को जब विपक्षीगण अपने बकाया गवाह पेश नहीं कर सके तो उस दिन विपक्षीगण की शहादत बंद की गयी थी दि. 18-9-03 को प्रकरण में मैने उभयपक्ष की मौखिक बहस सुनी थी। न्यायालय के अनुरोध पर प्रार्थी पक्ष ने अपनी मौखिक बहस का लिखित सारांश भी दि. 25-9-2003 को पेश किया था जो पत्रावली में शामिल है। विपक्षीगण ने न्यायालय के अनुरोध पर भी अपनी मौखिक बहस का लिखित सारांश पेश नहीं किया है।

दस्तावेजी सबूत में प्रार्थी पक्ष की ओर से प्रदर्श डब. 1 लगाया डब 6 तथा विपक्षीगण की ओर से प्रदर्श एम-1 लगायात एम- 3 प्रदर्शित कराये गये हैं।

प्रार्थी का कहना है कि उसने विपक्षीगण के यहां 1-3-93 से 21-2-94 तक लगातार 240 दिन से अधिक समय तक एक वर्ष की अवधि में कार्य किया था, इसके बावजूद धारा 25 एफ आई डी. एक्ट 1947 के प्रांतधानों की अवहेलना करते हुए विपक्षीगण ने 21-2-94 से उसे अवैधानिक रूप से सेवा से पृथक् कर दिया।

प्रार्थी ने अपने क्लेम के समर्थन में निम्न नज़ीरों का अवलंब लिया है :—

1. 1999(2) डब्ल्यू एल सी राज. 592 प्रिंसिपल बूंगर कॉलेज/ओमप्रकाश आदि इस नज़ीर में माननीय उच्च न्यायालय ने 240 दिन के सेवाकाल आधार पर श्रमिक की सेवा बहाली का श्रम न्यायालय का आदेश बहाल रखा था।
2. 1999(2) डब्ल्यूएलसी राज. 278 शिवदान सिंह/स्टेट ऑफ राज. इस नज़ीर में भी 240 दिन के सेवाकाल के आधार पर श्रमिक को दस हजार रुपये खर्चा दिलाते हुए सेवा में वापस लेने का आदेश माननीय उच्च न्यायालय ने दिया था।
3. 2002(3) डीएनजे राज. 115 स्टेट ऑफ राज./महेन्द्र जोशी आदि. इस नज़ीर में भी धारा 25एफ एवं 25जी आई.डी. एक्ट 1947 की अवहेलना का नियोजक को दोषी मानते हुए श्रमिक को बारह माह में 240 दिन के सेवाकाल के आधार पर सेवा में पुनः बहाल किया था।
4. 2000(84) एफएलआर इंदौर 410 इस नज़ीर में यह तय किया गया था कि सेवामुक्ति की प्रक्रिया सेवा करार में ही अंकित हो तब ही धारा 2(00)(बीबी) आई.डी. एक्ट 1947 का लाभ नियोजक ले सकेगा।
5. 2000(84) सुप्रीम कोर्ट एफएलआर 364 मैनेजमेंट ऑफ एमसीडी/प्रेमचंद गुप्ता आदि. इस नज़ीर में माननीय सर्वोच्च न्यायालय ने 240 दिन के सेवाकाल का लाभ देते हुए नियोजक को धारा 25 एफ आई.डी.एक्ट 1947 के उल्लंघन का दोषी माना था तथा श्रमिक को पचास प्रतिशत बैंक वेजेज के साथ में सेवा में पुनः बहाल किया था।

हमारे विवेचन में हम उक्त नज़ीरों में वर्णित सिद्धांतों का पूर्ण सम्मान करेंगे।

स्टेटमेंट ऑफ क्लेम के पैरा 10.2 में प्रार्थी ने लिखाया है कि उसने विपक्षी के यहां 1-3-93 से 21-2-94 तक लगातार बिना किसी अवरोध के 240 दिन से अधिक कार्य किया है। पैरा 10.3 में उसने धारा 25एफ आई डी एक्ट 1947 का उल्लंघन विपक्षीगण पर आक्षेपित किया है। विपक्षीगण ने उक्त पैरा का जवाब केवल मात्र यह दिया है कि प्रार्थी को नोटिस देने अथवा नोटिस की एवज में मुआवजा देने की वर्तमान प्रकरण में कोई आवश्यकता नहीं है क्योंकि धारा 25एफ के प्रावधान प्रकरण में लागू नहीं होते हैं क्योंकि प्रार्थी को अप्रार्थी सं. 2 द्वारा छंटनी नहीं किया गया है एवं न ही यह छंटनी का मामला है। विपक्षीगण ने यह भी लिखाया है कि क्लेम के पैरा 10.2 गलत होने से अस्वीकार्य है। विपक्षी ने क्लेम के पैरा सं. 3 के जवाब में लिखाया है कि वह स्वीकार करता है कि 2-4-93 से 21-2-94 की अवधि में प्रार्थी ने अप्रार्थी नं. 2 के अधीन शाखा में अस्थाई तौर पर दैनिक वेतन भोगी संदेशवाहक के रूप में कार्य किया था क्योंकि उस समय बैंक का नियमित कर्मचारी राजेन्द्र कुमार तंवर निलंबित चल रहा था। इस बिंदु पर विपक्षीगण का स्वीकृत कथन भी सही मान लिया जावे तो भी 2-4-93 से 21-2-94 तक अर्थात् सेवामुक्ति के तुरंत पूर्व के एक वर्ष में प्रार्थी द्वारा विपक्षीगण के यहां 265 दिन कार्य करना प्रमाणित हो जाता है, इसमें बैंक के अवकाश के दिनों की संख्या भी जोड़ी जावे तो अवकाश के इकसठ दिन जोड़ने पर यह संख्या 326 दिवस हो जाती है। इस प्रकार यह विपक्षी के एडमिशन से ही यह प्रमाणित हो जाता है कि सेवामुक्ति के तुरंत पूर्व की एक वर्ष की अवधि में प्रार्थी ने विपक्षी के यहां 240 दिन से अधिक समय तक अस्थाई तथा दैनिक वेतन भोगी कर्मचारी (संदेशवाहक) के रूप में कार्य किया था।

अब विपक्षीगण का कहना है कि प्रार्थी की नियुक्ति रीजनल रूलर बैंक्स (अपाइंटमेंट एंड ऑफिसर ऑफ अदर एम्प्लॉयी) रूल्स 1988 के तहत नहीं होने से वह नियमन का अधिकारी नहीं है। उल्लेखनीय है कि प्रार्थी ने अपनी सेवाओं को नियमित किये जाने की प्रार्थना नहीं की है वरन् उसकी प्रार्थना तो यह है कि उसके पिछले समस्त बकाया वेतन लाभ परिलाभ सहित उसकी सेवा को निरंतर मानते हुए इस प्रकार पदस्थापित कराया जावे मानो कि उसे 21-2-94 को सेवामुक्त ही नहीं किया गया हो। इस प्रकार विपक्षीगण द्वारा उठाया गया यह प्रारंभिक तर्क भी बेमानी है।

विपक्षीगण का यह कहना है कि बैंक के अध्यक्ष ने प्रार्थी को न तो नियुक्त किया न सेवामुक्त किया। अतः उन्हें जिम्मेदारी से बरी किया जावे, भी बेमानी है क्योंकि विपक्षी नं. 2 द्वारा की गयी नियुक्ति या सेवामुक्ति के लिए विपक्षी नं. 1 भी समान रूप से जिम्मेवार है।

विपक्षीगण का एक तर्क यह है कि बैंक उद्योग की परिभाषा में नहीं आता है तथा प्रार्थी श्रमिक की परिभाषा में नहीं आता है। इस संबंध में प्रार्थी पक्ष द्वारा 1985 आर एल आर पेज 365 फूलचंद/राज. राज्य की नज़ीर का हवाला देते हुए तर्क दिया गया है कि बैंक कर्मचारियों को माननीय राजस्थान उच्च न्यायालय ने औद्योगिक विवाद अधि. 1947 का लाभ दिया जाना उचित माना है। इस प्रकार विपक्षीगण का यह तर्क भी बेमानी है।

विपक्षीगण का मुख्य तर्क यह है कि इस प्रकरण में आई.डी. एक्ट 1947 की धारा 2(00) (बीबी) लागू होती है जिसके अनुसार वह

टर्मिनेशन रिट्रैक्टमेंट नहीं माना जायेगा जब किसी वर्कमैन की सेवायें किसी कांटेक्ट के तहत टर्मिनेट की गयी हो और इस संबंध में कांटेक्ट में ही स्टीप्यूलेशन में रखा गया हो अर्थात् किसी कर्मकार को फिक्सड टर्म के लिए कांटेक्ट बेसिस पर नौकरी पर रखा गया हो तथा कांटेक्ट अवधि पूरी होने पर उसे सेवा से निकाल दिया गया हो तो वह धारा 25एफ के प्रावधानों संरक्षा नहीं ले सकेगा। वर्तमान प्रकरण में विपक्षीगण का उक्त तर्क भी स्वीकार किये जाने योग्य नहीं है क्योंकि प्रार्थी का ऐसा कोई अपाइंटमेंट लैटर विपक्षीगण ने पेश नहीं किया है जिसमें उसे फिक्सड टर्म अपाइंटमेंट दिया गया हो। विपक्षीगण के स्थाई कर्मचारी के निलंबन की वजह से प्रार्थी को नौकरी पर रखा गया था। उसे डेली वेजेन पर रखा गया था। समय-समय पर उसका कार्यकाल बढ़ाया गया था ऐसी सूरत में प्रार्थी के मामले पर धारा 2(00) (बीबी) लागू नहीं होता है और प्रार्थी धारा 25एफ औद्योगिक विवाद अधिनियम, 1947 के प्रावधानों का उल्लंघन विपक्षीगण द्वारा किये जाने की वजह से सेवा में पुनः बहाली का हकदार है।

इस संबंध में मैंने प्रार्थी पक्ष द्वारा पेश की गयी चौदह टाइपशुदा पृष्ठों की लिखित बहस (मौखिक बहस का सारांश) का भी अवलोकन किया तथा उभयपक्ष के दस्तावेजात का भी अवलोकन किया। प्रदर्श डब. 4 विपक्षी बैंक के अध्यक्ष के पत्र की एडमिटेड फोटो कॉपी है इसमें विपक्षी ने स्वीकार किया है कि प्रार्थी को पूर्णतया अस्थाई दैनिक वेतन भोगी के आधार पर बगैर नियुक्ति पत्र दिये कार्य पर रखा गया था तथा उसे भुगतान दैनिक अनुपातिक आधार पर किया गया था तथा वह प्रतिदिन एक-दो घंटे सफाई करने, पानी भरने आदि का कार्य किया करता था। विपक्षीगण ने एक तर्क यह उठाने की कोशिश की है कि प्रार्थी उनके यहां पार्ट-टाईम कर्मचारी था लेकिन उल्लेखनीय है कि क्लेम के जवाब में विपक्षीगण ने प्रार्थी को कहीं भी अपना पार्ट टाइम कर्मचारी होना नहीं बताया था। जाहिर है कि जिम्मेदारी से बचने के लिए विपक्षीगण ने पार्ट टाइम कर्मचारी बाबत तर्क मनगढ़ंत व "ऑफ्टर थॉट" रूप से उठाये हैं प्रार्थी को नित्य कार्य के लिए 22/- रु. प्रतिदिन दिया जाना, विपक्षीगण ने विवादित नहीं किया है। वैसे भी न्यूनतम वेतन अधिनियम के तहत उन दिनों पूरे दिन की मजदूरी 22/- रु. होती थी। विपक्षी प्रार्थी को पूरे दिन की मजदूरी देकर उससे केवल एक या दो घंटे कार्य लेता था तो इसके लिए विपक्षी स्वयं जिम्मेवार है तथा विपक्षी की गलती का खामियाजा प्रार्थी नहीं भुगत सकता है।

विपक्षीगण का अंतिम तर्क यह है कि प्रार्थी को वर्ष 1994 में सेवा से पृथक् कर दिया गया था तथा उसका रेफरेंस 1998 में प्राप्त हुआ है। विपक्षीगण का कहना है कि प्रार्थी का क्लेम तीन वर्ष से अधिक होने के कारण मियाद बाहर जाकर इसी आधार पर खारिज कर दिया जावे। विपक्षीगण का यह तर्क भी बेमानी है, केन्द्र सरकार ने रेफरेंस भेजने में विलंब किया तो इसके लिए प्रार्थी को जिम्मेवार नहीं माना जा सकता है। प्रार्थी ने समझौता अधिकारी के यहां दि. नवम्बर 1996 में ही कार्यवाही प्रारंभ कर दी थी। समझौता अधिकारी के यहां से असफल वार्ता प्रतिवेदन भेजने में तथा केन्द्र सरकार से रेफरेंस प्राप्त होने में यदि विलंब हुआ है तो इसके लिए प्रार्थी को जिम्मेवार नहीं माना जा सकता है।

हमारा उक्त संपूर्ण धियेचन ए-डब्ल्यू-1 हिम्मत सिंह प्रार्थी के बयानों व जिरह से तथा एनए डब्ल्यू-1 टीकचंद छीपा तथा एनएडब्ल्यू-2

सुभाषचंद्र गुप्ता के बयानों एवं शिखर से भी पूरी तरह युक्तिसंगत होना प्रमाणित होता है। उभयपक्ष द्वारा पेश किये गये दस्तावेजों के सबूत भी हमारे विवेचन को प्रतिकूल रूप से प्रभावित नहीं करते हैं।

परिणामतः इस प्रकरण में अवार्ड इस प्रकार पारित किया जाता है कि प्रार्थी हिम्मत सिंह का यह क्लेम स्वीकार किये जाने योग्य है जो एतद्वारा स्वीकार किया जाकर आदेश दिया जाता है कि विपक्षीगण ने प्रार्थी हिम्मत सिंह को अस्थायी संदेशवाहक दैनिक वेतनभोगी कर्मचारी के कार्य से 21-2-94 को अवैधानिक रूप से हटाया है तथा उसे सेवा से हटाने से पूर्व विपक्षीगण ने धारा 25एफ औद्योगिक विवाद अधि. के प्रावधानों की पालना नहीं की है। विपक्षीगण द्वारा किया गया उक्त टर्मिनेशन आदेश अवैध, शून्य एवं गैर कानूनी है जो एतद्वारा निरस्त किया जाता है। प्रार्थी फुल बैंक वेजेज के साथ पूर्ववर्ती शर्तों पर पुनः विपक्षी की सेवा में आने का अधिकारी है। समय-समय पर लागू होने वाले अनस्क्रिप्ड लेबर के मिनिमम वेजेज विपक्षीगण से प्राप्त करने का प्रार्थी अधिकारी रहेगा। औद्योगिक विवाद अधि. के प्रावधानों की पूर्ण पालना करने के उपरान्त विपक्षीगण चाहे तो प्रार्थी हिम्मत सिंह को पुनः नियमानुसार रिट्रैन्समेंट करने के लिए स्वतंत्र रहेंगे। प्रार्थी से अपेक्षा की जाती है कि वह इस अवार्ड के गजट प्रकाशन से एक माह के भीतर विपक्षी बैंक के अध्यक्ष के कार्यालय में अपनी उपस्थिति देवे तथा उसकी सूचना विपक्षीगण के वकील श्री बी.डी. भार्गव को भी रजिस्टर्ड डाक से उसी दिन प्रेषित कर देवे।

अतुल कुमार जैन, न्यायाधीश

नई दिल्ली, 15 मार्च, 2004

का. आ. 852.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 84/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-2004 को प्राप्त हुआ था।

[सं. एल-12011/118/2003-आई.आर. (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 15th March, 2004

S.O. 852.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 84/2003 of the Central Govt. Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the Industrial Dispute between the management of Dena Bank and their workmen, received by the Central Government on 11-03-2004.

[No. L-12011/118/2003-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT:

Shrikant Shukla, Presiding Officer

I.D. No. 84/2003

Ref. No. L-12011-118/2003-IR(B-II)

dated 14-8-2003

Between:

The General Secretary,
Staff Association, Dena Bank,
C/o Dena Bank, Town Hall,
Moradabad (U.P.)

AND

The Regional Manager,
Dena Bank,
28-A, Dena Bank Vidhan Sabha Marg,
Lucknow

AWARD

The Government of India, Ministry of Labour vide their order No. L-12011/118/2003 IR (B-II) dated 14-8-2003 referred the following issue for adjudication to CGIT-cum-Labour Court, Lucknow;

“Whether the action of the Management of Dena Bank in not promoting Sh. Rajender Singh in Officer Cadre in JMG Scale-I w.e.f. 24-6-2002 is just, fair and legal? If not, what relief the concerned workman is entitled?”

While sending order for adjudication to this court notices were issued to the General Secretary, Staff Association Dena Bank, Moradabad but the worker did not file the Statement of claim within the stipulated period.

The court issued notice by registered post to the worker as well as to the management, but even then the parties did not appear in the case or filed the statement of claim or written statement.

In view of the above issue can not be adjudicated upon and accordingly the reference is un-answered.

5-3-2004

SHRIKANT SHUKLA, Presiding Officer